PRESIDENT : Rent is not revenue and in no theory of taxation is rent the same as tax.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I beg to withdraw the motion.

The motion was, by leave, withdrawn.

PRESIDENT : The question is that a sum of Rs. 1,03,710 be granted under Demand VIII—General Administration—Account Office.

The grant was made.

DEMAND IX—ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move for a grant not exceeding Rs. 7,60,970 under Demand IX—Administration of Justice.

Motion 157.

MR. N. R. KRISHNAN (*Nominated*) : I beg to move the following motion :—

To reduce the allotment of Rs. 63,047 for High Court by Re. 1.

ഹൈക്കോടതിയിലേക്ക് അനുവദിച്ചിട്ടുള്ള സംഖ്യ, 0 ര 1 രൂപായിൽനിന്നും ഒരു രൂപാ കുറയ്ക്കണമെന്നുള്ളതാണ് എന്റെ ഉപക്ഷേപം. ഞാൻ ഈ ഉപക്ഷേപം ഇവിടെകൊണ്ടുവന്നിട്ടുള്ളത് ഹൈക്കോടതിയുടെ നിയമനത്തെപ്പറ്റി പറയുന്നതിനു മാത്രമാകുന്നു. ഈ സംസ്ഥാനത്തിൽ ര 0 -നു മേൽ മുൻസിഫന്മാർ ജോലിയിലിരിക്കുന്നു. ഒരു വമ്പിച്ച ജനസമുദായമായ ഈഴവരിൽ നിന്ന് അതായത് 6 ലക്ഷത്തോളം ജനസംഖ്യയുള്ള ഒരു സമുദായത്തിൽ നിന്നും ഒരു മുൻസിഫും ഇല്ലെന്നുള്ള സങ്കടം എനിക്കു ഇവിടെ പറയാതെ നിവർത്തിയില്ല. ഇരുപതു കൊല്ലത്തിനുമുമ്പ് ഒരു മുൻസിഫിനെ ഈ സമുദായത്തിൽനിന്നും ഗവണ്മെൻറ് നിയമിച്ചിട്ടുണ്ടായിരുന്നു. പിന്നീട് ഫ 0 കൊല്ലം കഴിഞ്ഞ് വേറൊരു മുൻസിഫിനെ നിയമിച്ചു. ആ കണക്കിൻപ്രകാരം ആ നിയമനം കഴിഞ്ഞു ഇപ്പോൾ ഫ 0 കൊല്ലം കഴിഞ്ഞിരിക്കുന്നതുകൊണ്ടു വേറൊരാളെക്കൂടി നിയമിക്കാൻ സമയമായിട്ടുണ്ട്. അതിലേക്ക് യോഗ്യതയുള്ള ആളുകൾ ഉണ്ടായിരുന്നാൽ അവരെ ഗവണ്മെൻറിൽനിന്നും നിയമിക്കേണ്ടതാണ്. അതിലേക്ക് യോഗ്യന്മാരായ ആളുകൾ ഇല്ലെന്ന് ഗവണ്മെൻറ് പറഞ്ഞതായ ഒരു കാലം ഉണ്ടായിരുന്നു. ഇപ്പോൾ അതിനു തക്ക യോഗ്യതയുള്ളവർ ഈ സമുദായത്തിലില്ലെന്ന് ഗവണ്മെൻറിനു പറയാൻ സാധിക്കുകയില്ല. അവരിൽനിന്നും അഞ്ചോ ആറോ ആളുകൾ ഈ ഉദ്യോഗത്തിനു അപേക്ഷകന്മാരാണെന്ന് ഗവണ്മെൻറിനും അറിയാവുന്നതാണ്. അതിനാൽ ഈ മുൻസിഫ് ഉദ്യോഗത്തിൽ ഒരാളെ അധികം താമസിക്കാതെ നിയ

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മിച്ച് ഈ സമുദായത്തിന്റെ സങ്കടത്തിന് നിവത്ത വരുത്തിതരണമെന്നാണ് എനിക്ക ആത്മാമായി പറയാനുള്ളത്.

രണ്ടാമതായി സക്കാർവക്കീലന്മാരെപ്പറ്റിയാണ്. ഈ രാജ്യത്ത് അനേകം സക്കാർവക്കീലന്മാരുണ്ട്. അതിലും ഈ പിന്നോക്കം നില്ക്കുന്ന സമുദായക്കാരിൽ നിന്നും ഒരാളേയും നിയമിച്ചിട്ടില്ല.

മൂന്നാമതായി അഫിഷ്യൽറിസീവർമാരുടെ നിയമനത്തെപ്പറ്റിയാണ്. ഈ വകുപ്പിലും പിന്നോക്കംനില്ക്കുന്ന സമുദായക്കാക്ക് പ്രവേശനം കിട്ടിയിട്ടില്ല. ഇതെല്ലാം ഗവണ്മെൻറിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവന്നതു് ഈ സങ്കടങ്ങൾക്കെല്ലാം ഗവണ്മെൻറ് ദയാപുരസ്സരം ഒരു നിവത്തി വരുത്തിതരുന്നതിനുവേണ്ടിയാണ്. അതിനെപറ്റിയുള്ള ഈ ഉപക്ഷേപത്തെ ഞാൻ സഭാമുമ്പാകെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think that the member will say that the community is excluded from the Judicial Department. There were two Ezhavas as Munsiffs; one of them was transferred to another department on promotion and the other was promoted as a Judge.

MR. N. R. KRISHNAN (*Nominated*): മുൻസീഫന്മാർ വല്ലവരുമുണ്ടോ?

PRESIDENT: One of the Munsiffs was promoted to another department and you would like to have him reverted, to satisfy your opinion of communal representation?

MR. N. R. KRISHNAN (*Nominated*): ഇപ്പൊഠം ആരും മുനിസിഫന്മാരായിട്ടില്ലെന്നാണ് ഞാൻ പറയുന്നതു്?

PRESIDENT: Are you willing to have one of the officers who was promoted, reverted so as to satisfy your opinion, and would you have communal representation in that manner?

MR. N. R. KRISHNAN (*Nominated*): മേലാലുള്ള ഉദ്യോഗങ്ങൾ എങ്കിലും ഞങ്ങൾക്കുകിട്ടണമെന്നാണ് എന്റെ അപേക്ഷ.

PRESIDENT: You please answer me 'yes' or 'no'.

MR. N. R. KRISHNAN (*Nominated*): പ്രമോഷൻ കൊടുത്ത ആളിനെ തിരിയെ എടുക്കണമെന്ന് ഞാൻ പറയുന്നില്ല. ഉദ്യോഗങ്ങൾ കൂടുതൽ കിട്ടണമെന്നല്ലാതെ കിട്ടിയതു കളയണമെന്നുള്ള വിചാരം ഞങ്ങൾക്കില്ല. ഗവണ്മെൻറിൽനിന്നും ഞങ്ങൾക്കു കൂടുതൽ ഉദ്യോഗം തരികയില്ല എന്നു ഞാൻ പറയുന്നില്ല. ഞങ്ങളുടെ സങ്കടം ഗവണ്മെൻറിന്റെ മുമ്പാകെ കൊണ്ടുവരേണ്ടതു ഞങ്ങളുടെ കടമയാകുന്നു. ഒരിക്കൽ

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ഞങ്ങൾക്കു ദയവുചെയ്തതുകൊണ്ടു ഇനി ഞങ്ങൾക്ക് ആ ദയവിനു അവകാശമില്ലെന്നു അർത്ഥമാക്കുന്നില്ല. എന്നാൽ ഗവണ്മെൻറിന്റെ ദയാദൃഷ്ടി ഞങ്ങളിൽ പതിയുമെന്നുള്ളതിനു ഞങ്ങൾക്കു യാതൊരു സംശയവുമില്ല. അതിനാൽ ഞങ്ങളുടെ സങ്കടം ഗവണ്മെൻറിന്റെ ദൃഷ്ടിയിൽ എപ്പോഴും ഇരിക്കണമെന്നുള്ള അപേക്ഷയോടുകൂടി ഞാൻ ഈ ഉപക്ഷേപത്തെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

PRESIDENT: You need not reply to him further, Mr. Parameswaran Pillai.

MR. N. R. KRISHNAN (*Nominated*): I beg to withdraw the motion.

PRESIDENT: May I take it that the House permits the motion to be withdrawn?

The motion was, by leave of the House, withdrawn.

Motion 158.

MR. REVATINAL RAMA VARMA RAJA (*Edavagai*): I beg to move the following motion.

To reduce the allotment of Rs. 72,893 for Judge's Courts establishment by Re·1

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): ഞാൻ ഈ ഉപക്ഷേപത്തെ കൗൺസിലിന്റെ മുമ്പാകെ കൊണ്ടുവന്നിരിക്കുന്നതു് മാവേലിക്കര ഒരു ഡിസ്ട്രിക്റ്റ്കോടതി ആവശ്യമുണ്ടെന്നു് ഗവണ്മെൻറിനെ അറിയിക്കാനായിട്ടാണു്. വളരെക്കാലമായിട്ടു് ഗവണ്മെൻറിനെ മെമ്മോറിയൽ മുഖേനയും മറ്റു പലവിധത്തിലും ഈ സംഗതിയെപ്പറ്റി അറിയിച്ചിട്ടുണ്ടു്. എന്നുമാത്രമല്ല പ്രജാസഭയിലുംപലതവണ ഇതിനെപ്പറ്റിപറഞ്ഞിട്ടുണ്ടു്. അടുത്ത ആറുമാസത്തിനുമുമ്പു് ഞങ്ങൾക്കൊരു മറുപടികിട്ടിയതു് "ഹൈക്കോടതിയിൽനിന്നും ജൂറിസ്ഡിക്ഷൻ ഭേദം ചെയ്യുന്നതിനു് ഏർപ്പാടുചെയ്തിട്ടുണ്ടു്. ആ കാലത്തു് ഈ കാര്യംകൂടി ആലോചിക്കുന്നതാണു്", എന്നാണു്. ഇപ്പോൾ ആറുമാസംകഴിഞ്ഞിട്ടും ഒരു തീരുമാനവും ഉണ്ടായിട്ടില്ല. ഞങ്ങളുടെ ബുദ്ധിമുട്ടു് ദിവസംതോറും വർദ്ധിച്ചുവരുന്നു. അതിനാൽ ഒട്ടും താമസിക്കാതെ മാവേലിക്കര ഒരു ഡിസ്ട്രിക്റ്റ്കോടതി സ്ഥാപിച്ചുതരേണ്ടതാണു്.

ഇപ്പോൾ ഡിസ്ട്രിക്ട്കോടതി ഉള്ളതു കൊല്ലത്താണു്. തിരുവല്ലായിൽ പകുതിഭാഗവും പത്തനംതിട്ട, മാവേലിക്കര, കാർത്തികപ്പള്ളി ഒരം താലൂക്കുകൾമുഴുവനും ഇപ്പോൾ കൊല്ലം ഡിസ്ട്രിക്ട്കോടതിയിൽ കൊടുത്തിരിക്കുകയാണു. കാർത്തികപ്പള്ളിയിൽ കുറെഭാഗം ആലപ്പുഴ

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യ്ക്കു തിരിച്ചിട്ടുണ്ട്. ഇങ്ങനെ തിരുവല്ലായുടെ ഒരു അറ്റത്തുനിന്നും കൊല്ലത്തുവന്നു കേസുനടത്തുന്നതിനാൽ ഞങ്ങൾക്കുള്ള ചിലവും ബുദ്ധിമുട്ടും സീമാതീതമായി വർദ്ധിച്ചു വരുന്നുണ്ട്.

MR. TAMARAPALLIL KOCHU TOMMAN (*Pattanamtitta*): തിരുവല്ലാ മുൻസിഫ്കോടതി കൊല്ലം ഡിസ്ട്രിക്ട് കോടതിയുടെയൊ കോട്ടയം ഡിസ്ട്രിക്ട് കോടതിയുടെയോ ഏതിന്റെ കീഴിലാണ് ചേർത്തിരിക്കുന്നതു്?

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): തിരുവല്ലായിൽപകതികൊല്ലത്താണു്.

ഒരുവിധമുള്ള ബുദ്ധിമുട്ടുകൾനിമിത്തം കേസുകളെ പലപ്പോഴും മാറിവയ്ക്കേണ്ടിവരുന്നു. അതിനാൽ കേസുകൾ തീരുന്നതിനു വളരെതാമസം വേണ്ടിവരുന്നു.

കൊല്ലത്തു ഇപ്പോൾ നാലു ജഡ്ജിമാർ ഉണ്ടു്. അതുപോലെ ആലപ്പുഴയിൽ രണ്ടു ബെഞ്ച് കൊടുത്തിട്ടുണ്ടു്.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I draw the attention of the member that we have got only one Judge at Alleppey?

MR. REVATINAL RAMA VARMA RAJA (*Edavagai*): There are two Judges at Alleppey.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): But one is a provisional judge.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): ആ സ്ഥലങ്ങളിൽ ഇതു അധികം ബെഞ്ചുകൾ കൊടുത്തിരിക്കുന്നതിനാൽ അവിടെനിന്നും ഒരു ബെഞ്ചു മാറ്റിത്തരണമെന്നാണു എന്റെ അഭിപ്രായം. അതിനാൽ ഞാൻ ഈ ഉപക്ഷേപത്തെ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

PRESIDENT: Is the member moving for a reduction of the expenditure?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): It is a token motion and the member is trying to draw the attention of the Council to the necessity for a District Court at Mavelikara.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Sir, I rise to support the motion before the house. My chief reason in doing so is to point out to the Government the necessity of removing the hardship caused to the people due to (i) the delay in the disposal of cases in the District and Sessions Courts (ii) the degeneration in the quantity and quality of the work in those courts and (iii) to the defects in the location of those courts. By a reading of the report on the administration

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[Mr. A. S. Damodaran Asan.]

of the Civil Justice of the Government for 1102, Sir, it could be seen that both in quantity and in quality the work of the District Courts has gone down very much. It could be seen that in 1102 the average disposals by the District Judges on the original side was only 26 contested and 34 uncontested suits by all the District and Sessions Judges, while in 1101 the corresponding figures were 39 and 35. That clearly shows that in 1102 though we had as many judges as in 1101, only 66% of the contested cases were disposed of. No adequate explanation is given why there is such a decrease in the disposal of contested cases. There is no credit in disposing of uncontested cases. They could be disposed of with little time. No credit is also to be given for disposing of appeals, and without casting any slur on the officers in the District Courts, as the quality of the work is judged by the reversal of the Judgments, if the appellate court confirms a judgement of the lower court that will not be reversed by the High Court except on grounds of law the judges could maintain a high level of quality by confirming the judgments of the lower courts.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Does my friend suggest that District Judges deliberately confirm the findings of the Munsiffs, so that their Judgments may not be reversed on appeal? Is it the suggestion of my friend that the incorrect conclusions of the Munsiffs are confirmed by the District Judges so that their own judgments may not be reversed?

PRESIDENT : That is how I understood the suggestion, Mr. Krishna Aiyangar. There was another suggestion also that I understood from it and that is that District Judges give as little time and attention as possible to uncontested cases.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I said that only very little time is necessary to dispose of uncontested cases because there is no contest. I do not say that all the judges confirm incorrect conclusions of the lower courts. All that I mean is that any judge, who is so disposed, could do it without detriment to the quality of work. I was saying that the efficiency of an officer has to be judged by the number of original contested suits disposed of by him. Judging by that criterion *i. e.* by the number of original suits disposed of by the District Judges, in 1102 only 66 per cent of the cases disposed of in 1101 was disposed of. As regards Land Acquisition References, in 1101, the percentage of disposal was 55·51, while, in 1102, it was only 35 per cent. I am mentioning these facts only to draw the attention of the Government to direct the High Court to make better supervision over the work of the subordinate courts. I do not make any personal reference and anything I say should not be taken in that light. If anybody has understood what I said in that light, I am very sorry for that.

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As regards the location of the Courts, in Quilon we have four courts, in Alleppey there are 2 courts and in Kottayam there are 3 courts. Because many courts are located in the same place and as it is natural that the leaders of the bar of each of these places will have the largest amount of work and as it is impossible to them to attend to their work in all the courts at the same time, the work in each court is likely to suffer very much. Almost all the presiding officers will testify to the statement which I have just now made. If these courts are located in different places, that will avoid unnecessary expenditure to the litigants in going to and returning from courts as well as the witness batta that has to be paid to witnesses. Without being accused of narrow parochialism I may say that Mavelikara deserves to have a District Court.

PRESIDENT: Your time is up.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to the location of a court at Mavelikara I may say that this request has been made on previous occasions. The matter has been referred to the High Court. It is primarily the High Court that should take action and decide this matter and they have informed Government that they have in view a scheme for a general re-distribution of the territorial jurisdiction of the Courts; and with particular reference to Mavelikara they have promised to consider the matter in that connection. I have no doubt that every request that is made in regard to the location of courts as well as the re-distribution of the court's jurisdiction will be considered by the High Court.

In regard to the work of the District Courts I do not propose to reply at length. But with reference to what Mr. Damodaran Asan pointed out that the disposal of civil suits was considerably less in the year 1102, I would remind him that in 1102 there was a considerably larger number of criminal cases and it may be seen that in 1102 the courts sat for 104 days on criminal work as against 86 days in 1101, and it seems to me that that may be the reason for the decrease in the disposal of civil suits. Mr. Damodaran Asan will find the figures at page (2) of the Blue Book which contains the administration report on Civil Justice.

MR. REVATINAL RAMA VARM RAJA (*Edavagai*): I withdraw the motion.

PRESIDENT: May I take it that the House permits the motion to be withdrawn.

The motion was, by leave of the House, withdrawn.

Motion 159.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): വില്ലേജ് പഞ്ചായത്ത കോർട്ട എസ്റ്റാബ്ലിഷ്മെൻറിലേക്കു അനുവദിച്ചിട്ടുള്ള ഫന്ദ,ൻ ൽ നിന്നും ഒരുരൂപാ കുറയ്ക്കണമെന്നാണു എന്റെ ഉപക്ഷേപം. ഒരു ഉപക്ഷേപം കൊണ്ടുവന്നിട്ടുള്ളതിന്റെ ഉദ്ദേശം മുൻസിപ്പാലിറ്റി

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[Mr. Revati Nal Rama Varma Raja.]

കാം ഇപ്പോാം അനുഭവിച്ചുവരുന്ന ബുദ്ധിമുട്ടിനെ ഗവണ്മെൻറിൻെറ മുമ്പാകെ കൊണ്ടുവരണമെന്നുള്ളതാണു. ക്രിമിനൽ പ്രൊസീഡിയർകോർഡു സെക്ഷൻ ൨൨ ബീ അനുസരിച്ചുണ്ടാക്കിട്ടുള്ള രാംസു ഇപ്രകാരം ആകുന്നു.

Police and other departmental charge sheets shall be laid directly, before the bench ; but private complaints should be entertained by the local stipendiary Magistrate and such of them, as are taken on his file, shall, by the written order of the District Magistrate having jurisdiction, be transferred to the Bench.

എന്നുമാത്രവുമല്ല ഹൈക്കോടതിയിൽനിന്നും ഉണ്ടായിട്ടുള്ള രണ്ടു ജഡ്ജിമെൻറിൽ ഇപ്രകാരം പറഞ്ഞുകാണുന്നു.

Cr. Pro. No. 369 of 1103 in the High Court.

Held—That as information laid before a Magistarte by a Police Officer in a non-cognisable case cannot be treated as a police charge sheet for the purpose of Rule 2 of the rules framed by the Government for the guidance of the Bench Magistrates.

അതുപോലെതന്നെ എല്ലാസ്പെഷ്യൽ ലാപ്രകാരമുള്ള കുറങ്ങളും (non-cognisable) കുറങ്ങളായി ആണ് ഗണിച്ചിരിക്കുന്നതു. മുനിസിപ്പൽ റഗ്ലേഷനും ഒരു സ്പെഷ്യൽ ലാആണ്.

അതുമാത്രവുമല്ല മുൻസിപ്പൽറഗ്ലേഷൻ സെക്ഷൻ ൨൭൨-൦ ൨൭൯-൦ അനുസരിച്ചു മുൻസിപ്പൽ അഫൻസുകളെ പോലീസുകാക്കു ചാജ്ജ് ചെയ്യാൻ പാടില്ല. മുൻസിപ്പൽറഗ്ലേഷൻ സെക്ഷൻ ൨൪൭-ൽ മുൻസിപ്പൽഅഫൻസുകളെ കംപ്ലെയിൻറപ്രകാരം മജിസ്ട്രേട്ടുകോടതിയുടെമുമ്പാകെ കൊണ്ടുവരേണ്ടതാണെന്നു പറയുന്നുണ്ടു്. ഒരാം വകുപ്പിങ്ങ്എല്ലാംകൂടി ചേർത്തുനോക്കുമ്പോാം മുൻസിപ്പൽകൌൺസിലിനു നേരിട്ടുബെഞ്ചുമജിസ്ട്രേട്ടുകോർട്ടിൽ കംപ്ലയിൻറാ ചാജ്ജുചെയ്യാൻവയ്യാ എന്നാണു അർത്ഥമാകുന്നതു്. ഇങ്ങനെ ചാർജ്ജുചെയ്യാൻ വയ്യാതിരിക്കുന്നതുകൊണ്ടു മുൻസിപ്പൽകേസുകാം വേഗംനടക്കുന്നില്ല എന്നുമാത്രവുമല്ല വളരെബുദ്ധിമുട്ടും കഷ്ടപ്പാടും വന്നുചേരുന്നു. മാവേലിക്കര മുൻസിപ്പാലിറ്റിയിൽനിന്നും ഒരുകേസു ചാർജ്ജുചെയ്യണമെങ്കിൽ കായംകുളത്തുപോകണം. അവിടേയാണു സെക്കൻഡു ക്ലാസുമജിസ്ട്രേട്ടുകോടതിയുള്ളതു്.

൬ മൈൽ ദൂരെപ്പോയി ഒരു ചാർജ്ജ് അവിടെ കൊടുത്തു അവിടേനിന്നും മജിസ്ട്രേട്ടു അതിനെ കൊല്ലത്തു ഡിസ്ട്രിക്ട്മജിസ്ട്രേട്ടിനു അയച്ചു അവിടെനിന്നും ഒരു റിപ്പോർട്ടോടുകൂടി തിരിച്ചു ബെഞ്ചുമജിസ്ട്രേട്ട്

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കോടതിയിൽ വരുന്നതിനു കുറഞ്ഞപക്ഷം രണ്ടുമാസം വേണ്ടിവരും. ഇങ്ങിനെ വരുന്നതുകൊണ്ടു മുൻസിപ്പൽകേസുകൾ തീരുന്നതിനു വളരെ താമസവും പണംപിരിഞ്ഞുകിട്ടുന്നതിനു ബുദ്ധിമുട്ടും വരുന്നു. അതു കൊണ്ടുസെക്ഷൻ 4 ർ ഫ-ൽ ഒരു വ്യത്യാസം ചെയ്യണം. മുൻസിപ്പൽചാർജ്ജസ് ഡിപ്പാർട്ടുമെൻറുചാർജ്ജുകളായി വകവയ്ക്കുന്നതുകൊണ്ടും ഓരോ സിനെ ഒന്നു ഭേദപ്പെടുത്തുകയോ അല്ലെങ്കിൽ മുൻസിപ്പാലിറ്റിയിൽ നിന്നും നേരിട്ടുതന്നെ കംപ്ലയിൻറു ബെഞ്ചുമജിസ്ട്രേട്ട് സ്വീകരിക്കുന്നതുകൊണ്ടും ഓരോ ഉണ്ടാക്കുകയോ ചെയ്യാൽ മതിയാകുന്നതാണു. ഓരോ അഭിപ്രായത്തോടുകൂടി ഓരോ ഉപക്ഷേപത്തെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): I rise to support the motion of Mr. Rama Varma Raja. I was not aware of such a decision of the High Court. If the municipalities are to act upon this decision it will hamper their work.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are the Municipal cases in Alleppey filed directly before the Bench Magistrate?

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*); ഇപ്പോൾ മാവേലിക്കരയും അങ്ങിനെ തന്നെയാണ് നടന്നു വരുന്നതു്.

PRESIDENT: You cannot address a member who is not in possession of the House.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*); മാവേലിക്കരയും

PRESIDENT: Whom are you addressing?

MR. REVATI NAL RAMA VARMA RAJA (*Edavayai*): The President.

PRESIDENT: But the President is not here to answer your questions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think that the complaint raised by Messrs. Rama Varma Raja and Padmanabha Panikkar is a real one; and seeing that it comes from members who are connected with Municipalities — I think both of them are Presidents— it seems to me that it is a matter which requires looking into. The rule does not permit complaints from Municipalities to be directly laid before the Bench Magistrates since they are only private complaints, and at any rate are not charge sheets. The rule allows only departmental or police charge sheets being filed before the Bench Magistrates direct while private complaints have to be filed before the stipendiary magistrates, to be transferred thereafter by the District Magistrate to the Bench Magistrates. In the case of Municipal offences

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[Mr. Kayalam Parameswaran Pillai.]

the complaint made by Municipal Officers is apparently treated only as a private complaint. It seems to me that the grievance is real and I shall take it up at once and do what is necessary.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): I withdraw the motion

PRESIDENT: Does the House permit the motion to be withdrawn. The motion was, by leave of the House, withdrawn.

Motion 160

The following motion was not moved;

MR. P. S. MAHOMED:

160. To reduce the allotment of Rs. 4,500 for travelling allowance by Rs. 10.

Motion 161.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Sir, I beg to move the following motion:

To reduce the allotment of Rs. 4,500 for travelling allowance by Rs 10.

Sir, my object in tabling this motion is to bring to the notice of this Council the harmful manner in which the court commissions are working at present. We know that very often the fate of a suit depends upon the Commissioner's report and it is therefore very necessary that the persons appointed or selected as Commissioners should be men of integrity, of very good character and very efficient.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I ask the member whether Vakils are not consulted before commissioners are appointed by the Judges?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): There is a provision for it in the Civil Courts Guide.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Is that provision not followed?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): It is not followed in practice. There is a provision in the Civil Courts Guide to the effect that the Vakils should be consulted before a Commissioner is appointed. The men from the Courts are not capable. The provision in the Civil Courts Guide is not followed in practice and often Judges and Munsiffs have their own men and very often we see their nominees are appointed. The result is that there is a very loud complaint against the manner in which the reports are prepared by these clerks. The commissioners selected from courts are from the clerks and petty officers of the courts. Generally clerks and copyists are appointed for this purpose. I need hardly submit that it is a notorious fact that the clerical staff in the Judicial Department is particularly corrupt. This charge of corruption has been laid at their doors for a very long time and still the complaint is very loud on this question. What I suggest therefore is, that in the future, commissioners should be appointed only from the practising lawyers. Then only could matters be mended. I do not say that Vakils are above corruption. But in the vast majority of cases I am sure that Vakils would be more reliable, efficient and honest. It

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is simply to bring this fact to the notice of this Council that I have tabled this motion.

M. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What is the action according to the member's suggestion that the Government should take ?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): To so modify the rules, if necessary, as to confine the appointment of commissioners to Vakils alone.

MR. A. THANU PILLAI (*Trivandrum*) : May I know whether Vakils will be available to execute all commission orders if issued to them ?

MR. R. RAMAN PILLAI (*Kottayam*): ഈ ഉപക്ഷേപത്തിൽ പ്രതിവാദിച്ചിരിക്കുന്ന സംഗതികളെ കുറിച്ച് രണ്ടുവാക്കു പറയാതിരിക്കാൻ എനിക്കുനിവൃത്തിയില്ല. സിവിൽക്കോടതികളുമായിട്ട് ഞാനും ഇതിന്റെ പ്രയോജകനെപ്പോലെ ഏറെക്കുറെ അടുത്ത് പരിചയിച്ചിട്ടുള്ള ഒരാളാണ്. "ക്ലാക്കന്മാർ പെറിഫെല്ലോസുകളാണ്. അവർകൈയ്യൂലിടമടിക്കും "അതിനാൽ അവക്കു കമ്മീഷൻ ഉത്തരവു നടത്താൻ കൊടുക്കാൻ പാടില്ലാ എന്നാണ്" എന്റെ സ്നേഹിതൻ പറയുന്നത്. ഈ ക്ലാക്കന്മാർ പരമാർത്ഥത്തിൽ പെറിഫെല്ലോസ് തന്നെ. എന്നാൽ ഒരു ഗുണം അവക്കുണ്ട്. അവർനാട്ടിലുള്ള കാര്യങ്ങളൊക്കെനല്ലപോലെ മനസ്സിലാക്കീട്ടുണ്ട്. കാളേജിൽനിന്നു പുതിയപരീക്ഷകളും പാസ്സായി കോടതിയിൽ കേറിവരുന്നവക്കുഠനാട്ടിലെ സ്ഥിതിഗതികൾഒന്നും അറിഞ്ഞുകൂടാ. ഭേഷാണ്ഡങ്ങാം മുതലായവതിട്ടപ്പെടുത്തുന്നതിനു, ഇതിന്റെ പ്രയോജകൻ ഉദ്ദേശിച്ചിട്ടുള്ളവർ ഒട്ടുതന്നെ കൊള്ളുകയില്ല എന്നു് എനിക്ക് അനുഭവം ഉണ്ട്. ഈ സംഗതിക്ക് നിലയും വിലയുമുള്ള വക്കീലന്മാർ പോകുകയുമില്ല.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): വക്കീലന്മാരെക്കൊണ്ടു നടത്തിച്ചതിൽ തരക്കേടുണ്ടായിട്ടുണ്ടൊ?

MR. R. RAMAN PILLAI (*Kottayam*): ഉണ്ടു. അവരെക്കൊണ്ടു നടത്തിച്ചാണ്എനിക്ക് അനുഭവം ഉണ്ടു്.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): മെമ്പർജുഡിഷ്യൽ ഡിപ്പാർട്ട്മെൻറിൽ ക്ലാക്കായി ഇരുന്നിട്ടുണ്ടൊ?

MR. R. RMAN PILLAI (*Kottayam*): ഉണ്ടു; എന്നാൽ ഉത്തരവു നടത്താൻവേണ്ടി ജഡ്ജിമാരുടെ വാതൽകാക്കാൻ ഇതുവരെ പോയിട്ടില്ല എന്നൊരു ബഹുമാനം ഉണ്ടു്. നല്ല വക്കീലന്മാർ ഉത്തരവു് നടത്താൻ സാധരണ പോകുകയില്ല. പരീക്ഷവിജയവും വിരുദ്ധം സമ്പാദിച്ചുകൊണ്ടു

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[Mr. R. Raman Pillai.]

വരുന്നവർ പൊറിക്കുക്കന്മാരെക്കാൾ കൂടുതൽ സംഖ്യയും മേടിച്ചുകൊണ്ടു കക്ഷികളുടെ കായ്മും കണ്ടമാനം ചെയ്യുന്നു. അതിനാൽ ക്ലാക്കായാലും വക്കീലായാലും ജനങ്ങൾക്കും കോടതിക്കും ഉത്തമനെന്ന് ബോധ്യപ്പെട്ട ആളെ നിയമിക്കുന്നതായാൽ വളരെ നന്നായിരിക്കുമെന്നാണ് എനിക്ക് അതിനെ സംബന്ധിച്ച് പറയാനുള്ള അഭിപ്രായം.

MR. TAMARAPALLIL KOCHU TOMMAN (*Pattanamtitta*): ഈ രണ്ടുപേരുടേയും അഭിപ്രായത്തോടു ഞാൻ യോജിക്കുന്നില്ല. വക്കീലന്മാരായാലും ക്ലാക്കന്മാരായാലും യോഗ്യന്മാരെ മാത്രമെ കമ്മീഷൻ ഉത്തരവു നടത്താൻ നിയമിക്കാവൂ. മുൻസിഫന്മാരുടേയും ജഡ്ജിമാരുടേയും സേവകന്മാരെ മാത്രം കമ്മീഷന്മാരായിനിയമിക്കാതെ യോഗ്യതയുള്ള വക്കീലന്മാരേയോ ക്ലാക്കന്മാരേയോ കമ്മീഷൻ ഉത്തരവു നടത്താൻ നിയമിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the commissioners are appointed by the presiding judge of a court and I believe they are appointed from a list of persons who are enrolled in a list kept for the purpose. I believe also that that list requires the approval of the High Court. The name of any and every person would not be entered in that list. It is done on certain considerations of merit with the approval of the High Court. The commissioner in each case is, further, appointed after consulting the Vakils engaged in the case. It seems to me therefore that, *prima facie*, little complaint can arise. If any complaint arises, it is open to the aggrieved party to complain to the Presiding Judge or again, if it is found that any man is entirely unfit to be a commissioner, to complain to the High Court.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): May I know whether the member is aware that native physicians and newspaper reporters are often appointed as commissioners.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not aware, not that I deny it. I am only saying that the High Court is primarily the body that is competent to decide the question and any person who has got any complaint in regard to the selection of commissioners has only to make that complaint to the High Court. If that is done, I am sure the High Court will look into the matter. It seems to me, therefore, that it is not right that we should lay down a rule or that we should recommend to the High Court to lay down a rule, that the commissioners should be confined to the Vakils or that clerks should be excluded. So long as no case has been made out that a complaint was made to High Court and that the High Court did not look into it, it seems to me that hardly any action is necessary on the part of this House on the motion of Mr. N. K. Krishna Pillai.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I withdraw the motion.

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PRESIDENT: Does the House permit the motion to be withdrawn.

The motion was, by leave of the House, withdrawn.

Motion 162.

The following motion was not moved.

MR. N. R. KRISHNAN :

To reduce the allotment of Rs 5,30,487 for Civil and Sessions Courts by Re. 1.

Motion 163.

MR. V. CHELLAM PILLAI (*Tovala*): Sir, I beg to move the following motion:—

To reduce the allotment of Rs. 5,30,487 for Civil and Sessions Court by Re. 1.

It is with much regret that I have to stand to ask for a Munsiff's Court instead of asking the Government to abolish one if there be any. It is seen from the report that there is a large decrease in the number of suits on the original as well as on the appellate side. There was also a large diminution in the value of suits. It can also be seen from the report that the Government expressed their dissatisfaction about such a state of affairs. Certainly Government will not be dissatisfied at the decrease in the number of suits and in the diminution of revenue thereof. It will be because of delay in the disposal of suits. I think Government are aware of the great loss and inconvenience the litigant population are put to by this delay. Coming to the point, as is well known, the paddy cultivators are getting poorer and poorer. Nanjinad, especially Tovala taluk, is an agricultural country and the chief occupation of the people is agriculture. Nanjinad is a paddy growing country and almost all the people of that district are cultivators. The ryot population with their heavy land tax and the repeated partial failure of crops are getting involved in debts irrecoverably, so much so that creditors are compelled to resort to law courts to recover their dues from these agricultural population. The people of Tovala taluk have no Munsiff's Court in their taluk. So they have to go to distant Nagercoil for recovery of even small sums. In this too, the delay caused is very great and the cost of recovery exceeds the amount claimed for. The creditors, in order to make up this loss, find out ways in the execution of bonds. In view of all these, the people of Tovala taluk, agitated many a time to Government for a Munsiff's Court at Bhootapandy. But with due respect to my vakil friends, I cannot but say that some of these interested vakils got in and put a stop to the agitation. Now, being hard pressed, people have again come forward for a Munsiff's Court. There are forty Munsiff's Courts throughout the State, and it will work out to something like one and odd for every taluk. There are two Munsiff's Courts in Nagercoil and there is a complaint due to insufficient accommodation. On this complaint, I think, the Government have proposed to put up new buildings. Nearly forty per cent of the cases filed in the Nagercoil Munsiff's Courts are from the Tovala taluk. So, in view of the deplorable condition of the ryots and in view of the insufficient accommodation at Nagercoil and overcrowded population in the town of Nagercoil, I request Government to consider this matter and transfer one of the courts situated in Nagercoil to Bhootapandy, which is the centre of the Tovala taluk. With these few words, I move this motion for the acceptance of the House.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the question of the transfer of a Munsiff's Court to Tovala has received the attention of the Government and the matter has been referred to the High Court. I am sure that, in the scheme for the general re-distribution that they have in view, the High Court will duly consider this question also?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : May I know how long it will take for the Government to consider about territorial re-distribution.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is the High Court that have to consider it and I cannot say how much time they will require for coming to a settlement. It is a general scheme that they have in view. Probably, some preliminary work has to be done. A map has perhaps to be prepared for showing the location of all the courts. All these may take sometime. However, the High Court will consider the question.

MR. V. CHELLAM PILLAI (*Tovala*) : In view of the reply offered by Mr. Kayalam Paramesvaran Pillai, I withdraw the motion.

The motion was, by leave, withdrawn.

Motion 164.

The following motion was not moved :

MR. TARIATU KUNJITOMMAN :

164. To reduce the allotment of Rs. 5,30,487 for Civil and Sessions Courts by Rs. 10.

Motion 165.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): സർ. അണ്ടർടേയൽ പ്രിസിനേഴ്സിനായി ബഡ്ജറിൽ ചേർത്തുകാണുന്ന ൫൫,൦൦൦ രൂപായിൽ നിന്നും ൫൦ - രൂപാ കുറയ്ക്കണമെന്നുള്ള ഉപക്ഷേപമാണ് ഞാൻ ഈ സഭാമുമ്പാകെ അവതരിപ്പിക്കുന്നത്. ഞാൻ ഈ ഉപക്ഷേപം അയച്ചതിന്റെ ഉദ്ദേശം ഇപ്പോൾ അണ്ടർടേയൽ പ്രിസിനേഴ്സിനെ സൂക്ഷിച്ചുവരുന്ന രീതിയിൽ ചിലമാറ്റങ്ങൾ വരുത്തേണ്ട ആവശ്യത്തെ ഈ കൌൺസിലിന്റെ ആലോചനയ്ക്ക വിഷയമാക്കുവാൻ വേണ്ടിമാത്രമാണ്.

നാൺ ബയിലബിൾ വാറണ്ട് കേസിൽ പ്രതി കോർട്ടു മുമ്പാകെ തനിയെ ഹാജരാകുകയൊ പോലിസുകാർ പ്രതിയെ അറസ്റ്റ്ചെയ്ത് കോടതിയിൽ ഹാജരാക്കുകയൊ ചെയ്താൽ കോടതിയിൽ നിന്നും വാദം കേട്ടതിനുശേഷം ജാമ്യം അനുവദിക്കത്തക്കതല്ലെന്നു കണ്ടാൽ പ്രതിയെ ലാക്കപ്പിൽ അയച്ചു സൂക്ഷിച്ചുവരുന്നു. ഇങ്ങിനെ സൂക്ഷിക്കുന്നപ്രതിയുടെ പേരിലുള്ള കേസ് പോലീസുകാർ അനേഷണം നടത്തി ചാർജ്ജ് വന്നതിനുശേഷം അവരുടെ വിചാരണ പൂർത്തിയാക്കിയതിൽപിന്നെ നിർദ്ദോഷിആണെന്നു കണ്ടാൽ പ്രതിയെവിട്ടയക്കുന്നു.

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എന്നാൽ ഒരുവൻ കുറ്റക്കാരനാണെന്ന് സ്ഥാപിക്കുന്നതുവരെ നിർദ്ദോഷി യാണെന്ന്വിചാരിക്കണമെന്നാണ് നിയമസിദ്ധാന്തം. കുറ്റക്കാരനാണെ ന്ന്സ്ഥാപിക്കുന്നതിനു മുമ്പുതന്നെ ലാക്കപ്പിൽ സൂക്ഷിച്ചുവരുന്ന പ്രതി കൾ കുറ്റക്കാരാണെന്ന് തെളിഞ്ഞ പ്രതികളോടുകൂടി യാതൊരു വ്യത്യാ സവും കൂടാതെ താമസിക്കാൻ ഇടയാകുന്നു. അതു നിമിത്തം വലിയ ബുദ്ധിമുട്ടിനും അഭിമാനക്കുറവിനും സങ്കടത്തിനും കാരണമാകു ന്നു. ഇതുനിമിത്തം ചിലപ്പോൾ ലാക്കപ്പിൽ സൂക്ഷിച്ചിരിക്കുന്ന പ്ര തികൾ പെട്ടെന്ന് മരിച്ചുപോകയും അതിനാൽ പോലീസുദ്യോഗസ്ഥ ന്മാരുടെമേൽ കേസു എടുക്കുന്നതിനു ഇടവരികയും ചെയ്യുന്നു. അതി ലേക്ക് ഉദാഹരണങ്ങളും പറയാനുണ്ട്. അണ്ടർട്രയൽ പ്രിസിണേ ഴ്സിനെ വിചാരണ കാത്തു പോലീസിന്റെ പൂർണ്ണമായ സ്വാതന്ത്ര്യ ത്തിൽ സൂക്ഷിക്കുന്നതിനു വിട്ടുകൊടുക്കാതെ അവരെ സൂക്ഷിക്കുന്നലാ ക്കപ്പിന്റെ താക്കോൽ മജിസ്ട്രേട്ടിന്റെ കൺട്രോളിൽ ഇരിക്കണമെന്നു ഒരു വ്യവസ്ഥചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം. കൊച്ചിയിൽ ഇപ്പോൾനടന്നുവരുന്നതു് ഇങ്ങനെയാണ്. അണ്ടർട്രയൽപ്രിസിണേഴ്സി നെ അവിടെ പോലീസുകാരുടെ പൂർണ്ണസ്വാതന്ത്ര്യത്തിൽ വിട്ടുകൊ ടുത്തിട്ടില്ല. മജിസ്ട്രേട്ടിന്റെ കൺട്രോളിൽപ്രത്യേകം സൂക്ഷിച്ചുവരുന്നു. കേസ് വിചാരണക്കു് കോടതിയിൽ കൊണ്ടുപോകുന്നതും ലാക്കപ്പിൽ സെൻട്രിയായിനില്ക്കുന്നതും പോലീസുകാർതന്നെ. അവക്കു ബോധിച്ച പോലെ ലാക്കപ്പ് തുറന്ന് പ്രതികളെ വെളിയിൽ കൊണ്ടുവന്ന് അ വരോട് നിർദ്ദയമായിപെരുമാറാൻ ഇടകൊടുക്കുന്നില്ല.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Does the member think that they are being molested by the Police Officers?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): Yes, there are so many cases and I shall even quote instances, if necessary.

എനിക്കു് കൗൺസിലിന്റെ ആലോചനയിൽ കൊണ്ടുവരാനുള്ള തു് ഇവരെ മറ്റുള്ള പ്രതികളോടുകൂടി ഒരെ ലാക്കപ്പിൽതന്നെ സൂക്ഷിച്ചു വരുന്നതു ന്യായമല്ലെന്നാണു. അതുകൊണ്ട് അവരെപ്രത്യേകംലാക്കപ്പിൽ മജിസ്ട്രേട്ടിന്റെ കൺട്രോളിലുള്ള ഒരു വാർഡിന്റെ സൂക്ഷ്മത്തിൽ താ ക്കോൽ കൊടുക്കത്തക്കവണ്ണം വ്യവസ്ഥചെയ്യണം. അവരുടെ അപ്പോഴ ത്തെ ആവശ്യങ്ങൾ ശരിയായി നിർവ്വഹിച്ചും കൊടുക്കണം. ഈ സംഗതി ഇതിനുമുമ്പിലത്തെ കൗൺസിലിൽ മിസ്റ്റർ എ. കെ. പിള്ള അഭിപ്രാ യപ്പെട്ടതായും അതനുസരിച്ചു് ഫസ്റ്റ്, ൦ ൦ ൦രൂപ ബഡ്ജറ്റ് കാലത്തു് അനുവദിച്ചതായും കാണുന്നു. അതിനുവേണ്ടി ഇപ്പോൾ ബഡ്ജറ്റിൽ ഒ ന്നും ചേർത്തുകാണുന്നില്ല.

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[Mr. Muruvelil Pachu Pillai.]

ഇതിൽ രണ്ടുസംഗതിയാണുദ്ദേശിക്കുന്നത്. ഒന്നാമത്തെ അണ്ടർട യൽ പ്രിസിനേഴ്സിനെ സൂക്ഷിക്കുന്ന രീതിയിൽ ചിലമാറ്റങ്ങൾവരുത്ത ണം. രണ്ടാമത്തെ അവരുടെ സ്ഥിതിയെ നന്നാക്കണമെന്നുമാണ്.

MR. TAMARAPALLIL KOCHUTOMMAN (*Pattanamtitta*): പ്രത്യേകം മു റിയിൽ സൂക്ഷിച്ചു താക്കോൽ പോലീസുകാരുടെ കയ്യിൽ ഇരിക്കുന്നതു കൊണ്ട്തരക്കേടുണ്ടോ?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): ലാക്കപ്പിന്റെ താക്കോ ൽ പൊലീസുകാരുടെ കയ്യിൽതന്നെയിരിക്കണമെങ്കിൽ മുറിമാറിയതു കൊണ്ടുഎന്താണ് വിശേഷം! കേസ് ചാജ്ജിൽവരുന്നതിന് മുമ്പ് പത്തോ പതിനഞ്ചോ ദിവസം റിമാൻറ് വാങ്ങിച്ചു മോഷണക്കേസിലുൾപ്പെട്ടവ രെ സൂക്ഷിക്കപ്പെട്ടവരുന്നു. പോലീസുകാക്ക് അപ്പോഠം തൊണ്ടികി ട്ടിയിരിക്കുകയില്ല. അതിനാൽ ഈ പ്രതികളോട് പോലീസുകാർ സാധാ രണയായിട്ട് തൊണ്ടിയെസംബന്ധിച്ച് അവിടെവച്ച് സന്ദ്രദായത്തിൽ ചോദിച്ചു മനസ്സിലാക്കേണ്ടതുണ്ട്. മോഷണക്കേസിൽ തൊണ്ടികിട്ടാതെ വരുമ്പോൾ പോലീസ് ബന്തവസ്സിൽവച്ച് അവരെഹോമദ്രണ്ഡം ചെയ്യു ക്കുമെന്നു ചിലർ ഭയപ്പെടുന്നു. ഇങ്ങിനെ ഒരു ഭയത്തിനിടകൊടുക്കാതെ സൂക്ഷിക്കേണ്ടതും ആവശ്യമാണ്. ഏതുവിധമായാലും മജിസ്ട്രേട്ടിന്റെ കൺട്രോളിലുള്ള ഒരു വാഡ്ന്റെകയ്യിൽ താക്കോൽകൊടുത്തു ഇവരെ സൂ ക്ഷിക്കുന്നതു നന്നായിരിക്കും.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Does the member think that the key, if placed in the hands of the police constable, will be an improvement over the warder?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): The key should be in the hands of the warder.

ലാക്കപ്പിന്റെ താക്കോൽ മജിസ്ട്രേട്ടിന്റെ കൺട്രോളിൽ വാഡ് ന്റെ കൈവശത്തിലായിരിക്കണം. കാൺസ്റ്റബിളിന്റെ കയ്യിലായിരി ക്കുവാൻ പാടില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will not the key be left with the warder?

MR. MURUVELIL PACHU PILLAI (*Shertallai*): താക്കോൽ വാഡ്ന്റെ ക യ്യിൽ തന്നെയായിരിക്കണം. അപ്രകാരമായിരുന്നാൽ വാഡ്നും കാ ൺസ്റ്റബിളും കൂടിയോജിക്കുന്നെങ്കിൽമാത്രമെ പ്രതിയെ വെളിയിലിറ ക്കാനും മറ്റും സാധിക്കുകയുള്ളൂ. വാഡ്ൻ മജിസ്ട്രേട്ടിന്റെ നേരിട്ടുള്ള

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അധികാരത്തിലിരിക്കുന്നു. പോലീസ് അങ്ങിനെഅല്ല. അവരെപ്പറ്റി ആവശ്യമുണ്ടെങ്കിൽ ഡിസ്ട്രിക്ട് സൂപ്രണ്ടിനൊ അസിസ്റ്റൻറ് സൂപ്രണ്ടിനൊ റിപ്പോർട്ട്അയക്കാനെപാടുള്ള. അതിനാൽ ആതാക്കോൽ മജിസ്ട്രേട്ടിൻെറ നേരെ കീഴിലുള്ള വാർഡ്ൻെറ കൈവശത്തിലായാൽ കാൺസ്റ്റബിളം പ്രവത്തിക്കുന്നതുപോലെ പ്രവത്തിക്കാൻ വാർഡറിനു ധൈയ്യമുണ്ടാകയില്ല.

അതിനാൽ അണ്ടർടയൽപ്രിസിനേഴ്സിൻെറ രക്ഷയ്ക്കുവേണ്ടിഇപ്പോഴത്തെസ്ഥിതിമാറ്റി മജിസ്ട്രേട്ടിൻെറ കൺട്രോളിൽവച്ചുകൊണ്ടിരിക്കണമെന്ന് അഭിപ്രായപ്പെടുന്ന ഈ ഉപക്ഷേപത്തെ ഈ സഭമുമ്പാകെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. ITTOOP ITTEECHAN (*Kunnatnad*): സർ, മി: പാച്ചുപിള്ളയുടെ ഉപക്ഷേപത്തെ ബലമായി ഞാൻ പിൻതാങ്ങുന്നു. ഇപ്പൊഠം ഒരം നാട്ടിലുണ്ടാകുന്ന ക്രിമിനൽ കേസ്സുകളിൽ ഫ ഠ ഠ ന ട ൽ ം നിരപരാധികളെ ക്രൂടി പ്രതിചേത്തിരിക്കും. പോലീസ് ഇൻസ്പെക്ടരുടെയോ അല്ലെങ്കിൽ ഹെഡ്കാൺസ്റ്റബിളിൻേറയോ അടുക്കൽ ഒരുമോഷണ കേസ്സിനു അന്യായം കൊടുത്താൽ അതോടുക്രൂടി വല്ലമാന്യന്മാരുടെ പേരിനെക്രൂടി ചേത്തേക്കുമെന്നുപറഞ്ഞു സാധാരണ മാന്യന്മാരുടെപേരിൽക്രൂടി കെസ്സുണ്ടാക്കിവരുന്നുഎന്നാണ് എൻെറ അറിവു. ഇതിൽ പലതും എനിക്കനുഭവത്തിൽതന്നെ അറിയാം. ഇങ്ങനെയുള്ള പ്രവത്തികളാൽ നിരപരാധികളായപലക്കും പലബുദ്ധിമുട്ടുകളും ഉണ്ടാകാറുണ്ട്. എന്നാൽ പോലീസുകാരോടു വല്ലവിരോധത്തിനും എപ്പൊഴെങ്കിലും കാരണമായിരുന്നാൽ സ്ത്രീജനങ്ങളെയും ക്രൂടികേസ്സിൽപ്പെടുത്തി കൊണ്ടുപോകുന്നുണ്ടു. അങ്ങിനെവരുന്നകേസ്സുകളം ഒ ര മണിക്രൂറിനകം ജാമ്യംകൊടുക്കണമെന്നാണ് നിയമം. ഒ ര മണിക്രൂർ കഴിഞ്ഞാൽ തിയ്യെറിമാൻറ ചെയ്യണം. ഇതിൽനിന്നെല്ലാം പലബുദ്ധിമുട്ടുകളും ജനങ്ങൾക്കുണ്ട്. അണ്ടർടയൽ പ്രിസിനേർസ് വൈകുന്നേരം നമണിവരെ പോലീസുകാരുടെ ചാർജ്ജിൽ ഇരിക്കുന്നതുകൊണ്ടു വലിയതരക്കേടില്ല. എന്നാൽ ആറുമണികഴിഞ്ഞാൽപിന്നെ പോലീസുകാരുടെ അധീനതയിൽഅവരെ വയ്ക്കാൻ പാടില്ലഎന്നാണ് എൻെറ അഭിപ്രായം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am in considerable sympathy with many portions of what Messrs. Pachu Pillai and Ittoop Itteechan said. It may perhaps interest such of the members of this House as were not members of the last Council that it was at the instance of the present Dewan who happened to visit a lockup that this matter originally came up for the

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[Mr. Kayalam Paramesvaran Pillai.]

active consideration of the Government. The House may remember that in the last Council a supplementary grant was moved for the betterment of the under-trial prisoners. I may say also that at that time Mr. Pitt, the Commissioner of Police, himself said that he wanted to get rid of those under-trial prisoners from his police stations. He went further and said that he will be very glad to get rid of them. It will thus be seen that the Police do not want these unfortunate men in their stations. But apart from that, the law is that it is the Magistrate who is the custodian of these undertrial prisoners. Although the under-trial prisoners are housed in the police stations, they are held under the orders of a Magistrate. Mr. Pachu Pillai said that they must be housed separately, in separate buildings from the police stations. As an ideal, it could be very readily accepted by the Government. That will require special rules and accommodation and I may say to the House that the matter will receive the consideration of Government in due time. In the meantime, having regard to the existing facts and the poor conditions of these under-trial prisoners, Government passed certain rules giving instructions to the Magistrates to specially look after the well-being of these prisoners and laying down that the local magistrate will be held primarily responsible for it. I do not know whether those rules have been published in the Gazette. But rules have been issued to Magistrates. Under these rules, the local Magistrate will be held responsible for these prisoners, although they are housed in police stations, and they have been ordered to visit these lockups at least once a week. If the local Magistrate is resident in a distant station, he must inspect the under-trial prisoners and the lookups at least once a month and he is directed to satisfy himself that the prisoners are properly treated and receive the prescribed food, bedding and clothing and that all sanitary arrangements are correctly carried out. The rules lay down also that the local medical officers should inspect these unde-rtrial prisoners and lockups at least once a week and he is to examine the food, water-supply and other things. But in regard to the provision of separate accommodation, I think the House will agree with me in thinking that that is an ideal which cannot be achieved at once. I may however tell the House that this question also will receive consideration of Government in due time and special rules also may have to be drafted for the purpose.

MR. MURUVELIL PACHU PILLAI (*Shertallai*): ഈ ഉപക്ഷേപത്തെ സംബന്ധിച്ചു ലാമെംബർ പ്രസ്താവിച്ച അഭിപ്രായം എനിക്ക് അത്ര തൃപ്തികരമായിട്ട തോന്നുന്നില്ല. ഏതായാലും അദ്ദേഹം പ്രസ്താവിച്ച അഭിപ്രായം അനുസരിച്ചു പ്രവർത്തിക്കുന്നതിനു ശ്രമിക്കണം എന്നുള്ള അപേക്ഷയോടുകൂടി ഞാൻ ഈ ഉപക്ഷേപത്തെ പിൻവലിക്കുന്നതിനു അനുവാദം ചോദിക്കുന്നു.

The motion was, by leave, with drawn.

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The Council adjourned for lunch at 1-55 and re-assembled at 2-47 P. M. after lunch, with the Deputy President in the Chair.

Motions 166 and 167.

The following motions were not moved :—

MR. N. R. KRISHNAN :

166. To reduce the allotment of Rs. 83,000 for Criminal Courts by Re. 1.

MR. MURUVELIL PACHU PILLAI:

167. To reduce the allotment of Rs. 83,000 for Criminal Courts by Rs. 100.

Motion 168.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Sir, I beg to move the following motion :—

To reduce the allotment of Rs. 83,000 for Criminal Courts by Rs. 100.

I move this motion to point out the necessity for establishing a Stationary Magistrate's Court at Adur. Now, the offences taking place in Kunnatur are complained of either at Kottarakara or Chavara. These places are located far away from Kunnattur. Consequently the people of Kunnattur find it very difficult to have criminal justice administered in their taluks. A series of grievances have been submitted to the authorities by the people of this taluk. But no redress of their grievances has hitherto been done. So, I want to point out to the attention of Government that immediate measures should be taken for establishing a court at Adur. With these words, I submit the motion to the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think that this matter has ever come up before the Government till this time ; and I am hardly in a position to offer any remarks on the point raised by Mr. Kesava Pillai, but I can assure him that this will receive due consideration.

DEPUTY PRESIDENT: Does the House permit the motion to be withdrawn ?

The motion was, by leave, withdrawn.

Motion 169.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, I beg to move the following motion:—

To reduce the allotment of Rs. 2,160 for establishment by Rs. 10.

My object in moving this motion is to point out certain defects in the administration of the Law College. I may assure you that we will not come here to discuss all these matters, provided we get sufficient justice outside the House, because we know that the value of the time of this House is very great and that we should not unnecessarily waste our time on such matters. My chief object in moving this motion is to draw the attention of the House to the matter of admissions into the Law College. This year more than 25 students were refused admission in the F. L. Class and the reason given was that there was not sufficient accommodation in the College. By making this motion I do not want to start a crusade against the admission of foreigners into the College. All that I have to state about the admission into the Law College is

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[Mr. A. S. Damodaran Asan.]

that it should be seen that when the claims of Travancoreans and foreigners are equal, Travancoreans are preferred. I am not after all in absolute sympathy with the people of this State whose applications are late and could not get admission owing to want of accommodation. What I submit is that if they could be admitted without in any way inconveniencing the management of the Law College, and without making Government incur extra expenditure, that should be done. These facts could be seen from the following:

First of all as regards the admission into the Law College, Rule 10 in the Law College Calendar says as follows. *"There shall be no fixed limit to the number of students to be admitted into any class, admissions being regulated with due regard to the accommodation and staff available for efficient instruction. But should it be considered necessary that a limit should be fixed as regards admission, selection shall be made in order of the receipt of application by the Principal."*

This clearly shows that there is no fixed limit to the admission to any class; there is a limit only as regards the admission to the whole College. So, the mere fact that there is not sufficient accommodation in a particular room in the F.L. Class where it was held last year, is no reason for refusing admission to that class. If there is sufficient accommodation in other rooms, what I submit is that, without inconveniencing Government to any extent or the Professors or anybody, the classes could be shifted to that room. My question is whether the Law College authorities have done that thing. To prove my statement, the room in which the B. L. Class A Division is held—upstair north eastern room—was accommodating 228 students in the year 1926-1927, and the present strength of the F. L. class is only 206. 22 students more could be admitted to that room provided the F. L. Class is shifted to that room. The present strength of the B. L. Class A Division is only 205. And so it could be shifted to the room in which the F. L. Class is now held. The Government need not spend even a copper cash in addition for that purpose. But by refusing admission Government are losing a large sum by way of fees. A mere question of prestige on the part of the Law College authorities should not stand in the way of giving admissions and realising a greater revenue. I learn that after refusing admission to the local students for the F. L. Class they have been admitting students to the B. L. Class simply for the purpose of showing that the number in the B.L. Class is too large and so could not be accommodated in the F. L. Class room. One difficulty was raised by the Principal and that was that as there was a large number of applications he could not give admission to all together and that admitting only a fewer number would be unfair. According to Rule 10 he could admit as many students as possible and choose them according to the priority of the applications. The Principal has not chosen to do that. This is not a simple matter of admitting or rejecting the applications of a number of students. The question is whether

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there is accommodation according to the rules. That should be taken into consideration by Government. It appears that the Principal was willing to admit more students provided the pay of the staff was increased. What I say is that if their pay is to be increased they should turn out more work. Simply because the Law College yields a larger revenue than what is actually spent on it, we will not be justified in increasing their pay. If that is so, will the Arts College authorities be willing to reduce the pay of their Professors because the Arts College does not get as much revenue as the Government are spending for their pay? So, that should not be the consideration. What I think is that if the Professors are required to do full time work, of course, they will be entitled to a higher pay. But that question does not arise now; they are asked only to work an hour a day. While the income from their profession is uncertain, naturally they are likely to attend to their professional duties in the first instance. I do not make any reflection on their conduct. I only say that an inference should be drawn in the natural course of events. What I state is that steps should be taken to redress the grievances. With these words I bring forward this motion for the consideration of this House.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): സർ, മിസ്റ്റർ ആശാന്റെ ഉപക്ഷേപത്തെ ഞാൻ ഹാർട്ടായി പിന്താങ്ങിക്കൊള്ളുന്നു. ഈ ആണ്ടത്തെ ലാക്കാളെജ് അഡ്മിഷനെ സംബന്ധിച്ചു കുറെ ശ്രമങ്ങൾ ഞാനും ചെയ്തിരുന്നു. അതായതു ഞാനും എന്റെ മറ്റു ചില സ്നേഹിതന്മാരും ചേർന്നു ഗവണ്മെന്റിലേക്കു ഒരു മെമ്മോറിയൽ ദിവാൻജിയുടെ ആലോചനയ്ക്കായിട്ടും അനുകൂലമായ തീർച്ചയ്ക്കായിട്ടും, സമർപ്പിച്ചിരുന്നു. സ്ഥലമില്ലെന്നുള്ളതിനെപരിഹരിക്കാനുള്ള മാർഗ്ഗമെന്തെന്നു ആലോചിച്ചറിഞ്ഞു. ഞങ്ങൾ രണ്ടാമതും ദിവാൻജിയെ സന്ദർശിക്കാനായിട്ടുപോയപ്പോൾ ഞങ്ങൾ സമർപ്പിച്ച മെമ്മോറിയൽ പ്രിൻസിപ്പാലിന്റെ റിമാർക്കിനായി അയച്ചിട്ടുണ്ടെന്നും അതുവന്നാലല്ലാതെ തനിക്കു നേരിട്ടു പ്രവർത്തിക്കാൻ തരമില്ലെന്നും ദിവാൻജി അവർകൾ ചൊല്ലുകയുണ്ടായി. എനിക്കു ഇന്നലെ ഈ വിഷയത്തെ സംബന്ധിച്ചു ചീഫ് സെക്രട്ടറിയുടെ ഒരു ലറർ കിട്ടി.

ഇതിൽ എത്രത്തോളം യുക്തിയും ന്യായവുമുണ്ടെന്നു എനിക്കുമനസ്സിലാകുന്നില്ല. ബി. എൽ. ക്ലാസ് ഇട്ടിരിക്കുന്ന മുറിയിൽ തന്നെ ഫസ്റ്റ് വിദ്യാർത്ഥികളെ ചേർത്തു പഠിപ്പിക്കുന്നതായിട്ടു ആകാളേജിലെ കലണ്ടർ കൊണ്ടുകാണുന്നു. ഇപ്പോൾ ബി. എൽ. ക്ലാസ്സിൽ പഠിക്കുന്ന ഫസ്റ്റ് കുട്ടികൾക്കു ഇരിക്കാമെങ്കിൽ എഫ്. എൽ. ക്ലാസിലുള്ള ഫസ്റ്റ് കുട്ടികൾക്കും ഇരിക്കാൻ യാതൊരുവിരോധവും ഉണ്ടാകാൻ തരമില്ല.

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[Mr. V. S. Krishna Pillai.]

ഒരം ബി• എൽ. ക്ലാസിനെ എഫ്. എൽ. ക്ലാസിനുപയോഗിക്കത്തക്കവണ്ണം ഭേദപ്പെടുത്തുന്നപക്ഷം തീച്ച്യായിട്ടും കൂടുതൽ കുട്ടികളെ ചേക്കാവുന്നതാണു. ഇപ്പോൾ ൨൦൦ വിദ്യാത്ഥികളെ എഫ്. എൽ. ക്ലാസ്സിലൊള്ളു. ആ സ്ഥിതിക്കു ൨൫ വിദ്യാത്ഥികളെ കൂടുതൽ ചേക്കാവുന്നതാണ്.

DEPUTY PRESIDENT: You have got the reply from the Chief Secretary setting forth the views of the Government.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): I got this letter only yesterday.

DEPUTY PRESIDENT: The Chief Secretary has given you the reasons.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): Of course he has stated that the Principal's reply is so and so. He has stated that 'an interchange of class-rooms as suggested by you will not admit further additions'. That is the report of the Principal which the Chief Secretary has quoted.

എന്തായാലും ഒരം കാണിച്ചു നിർദ്ദയത്വം ക്ഷന്തവ്യമാണെന്നു എനിക്കു തോന്നുന്നില്ല. അതുകൊണ്ടു കാളേജിൽ ചേരേണ്ട ടൊം തെറ്റിയിട്ടില്ലെങ്കിൽ വീണ്ടും ഒന്നു ആലൊചിച്ചു തീരുമാനം ചെയ്യുന്നപക്ഷം അതു വളരെ നീതിയും ധർമ്മവുമായിരിക്കുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. ഇതുയും കൂടി പ്രസ്താവിച്ചുകൊണ്ടു മി: ആശാന്റെ ഉപക്ഷേപത്തെ ഹൃദയപൂർവ്വം പിൻതാങ്ങിക്കൊള്ളുന്നു.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I support the motion, and in doing so what I wish to suggest is that a total change should be effected in the working of the Law College. That is an institution where substantial reform is necessary. A large number of students attend the Law College and many of those who seek admission have to go disappointed every year. This institution should be made a full-time one. I do not see any reason why we should maintain a College where under existing conditions there cannot be proper discipline or efficient management. I do not make any reflection on the teaching staff there. But I do maintain that when the entire staff consists of people who look upon their position there merely as a source of some supplementary income, it is against human nature to expect proper teaching work to be done. Practising lawyers are the Professors; each one of them has to do one hour's work every day either in the morning or in the evening. Here most of the members of the staff are people at the top of the profession. One can easily imagine what amount of time a busy lawyer with a large number of cases will be able to spare for teaching in the Law College.

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DEPUTY PRESIDENT: But I suppose he spends one hour in the College.

MR. A. THANU PILLAI (*Trivandrum*) : I doubt whether proper teaching does not require previous preparation at home. However learned a lawyer may be if he goes into the class room, without previous preparation he will not be able to do his work properly.

Then again discipline is a prime characteristic of all educational institutions. Here the principal is a practically absentee gentleman. He is an elderly gentleman who occupies a high position in the Bar, and he is entitled to great respect. But it is clear that an institution like this ought to be placed under the care of one who can find ample time, who can see that everything possible is done in the interests of the institution. Here we heard two members complaining of want of accommodation and of want of facilities being given to the students who sought admission. To me it seems that such defects could be removed only if a full-time Principal is appointed. He ought to see that everything possible is done for the betterment of the institution. But at present the Principal may or may not have an hour's work a week in the way of teaching; official work may take its own way; he may occasionally visit the institution. That is the way work is done now. So I maintain that either we should mend the institution or end it. With these words I strongly support the motion.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, but for a query from the Chair I never wanted to speak under this motion.

DEPUTY PRESIDENT: I am sorry.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, the existing Professors of the Law College, it is a well-known fact, are the leading lawyers of the Capital.

MR. MATTHEW MURIKKAN (*Vaikam*) : Does not the member think that it is so much the better for the students?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Let me develop the argument. The tuition in the Law College is poor and it is amply proved by the results of the Law College when compared with the results of the Madras Law College.

MR. D. C. JOSEPH (*Agastisvaram*) : What is the percentage?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : When compared with the Madras College our results are poor. The percentage does not matter. My argument is that on account of the bad tuition the results are poor. The only remedy is to appoint full-time Professors.

DEPUTY PRESIDENT: Excepting the Principal, are the other Professors in the Madras Law College full-time officers?

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No. But what they do there is not to recruit leading lawyers as Professors. Therefore they can find time to devote to the Law College. Here the difficulty is that because the leading lawyers are appointed, I will put the question when the Professor has to appear before the High Court at 11 O'clock how can he be expected to work in the Law College till 10 o'clock? He will pay still mere attention to his profession while keeping his professorship as an additional source of income.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Does the member realise that the students also are responsible for the poor results?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is another argument which goes to my support. As the mover and the seconder indicated, to remove the difficulty regarding admission, the Law College should be made a whole-time institution. We give an unnecessary advantage over the Madras College. In the Madras College if a student fails in the F. L. examination he would not be admitted to the B. L. Class. Therefore a difficulty arising out of this admission and want of accommodation also comes to this House for discussion. Moreover it is not up-to-date case law that is expected of the Professors to teach.

DEPUTY PRESIDENT: Are we not getting into details?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No, Sir. What I submit is that the leading lawyers need not be Professors of the Law College. Jurisprudence, and Roman Law require much theoretical study and historical information. On the other hand Hindu Law and Property ought to be taught in a more scientific way. This has been admitted by the Madras University and it has been laid down there that leading lawyers need not necessarily be appointed as Professors. It is better that the Law College insisted upon the theoretical and scientific sides. The authorities will otherwise be unable to raise the standard so as to emphasise the theoretical side of the law. So what is expected of the Professors of the Law College is not up-to-date knowledge of law, but historical information. As it is, the leading lawyers who have plenty of business in their professions are not able to make a proper study of the subjects which they teach. As Mr. Thanu Pillai put it the College is an attendance College. Students come here only for getting attendance. That also indirectly shows the want of discipline in the College. So what I submit is that the College may be made a full-time College. Four or five Professors may be appointed and their status and pay may also be raised to the level of the Professors of the Arts College. Some Professors may be made to teach particular subjects. Fifty or sixty lectures may be arranged to be delivered by experts and they may be paid for them. So unless some reorganisation is made, there will be complaints about the Law College. So pressing the necessity that some reformation of the Law College is overdue, I also support the motion.

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MR. THAMARAPALLIL KOCHUTOMMAN (*Pattanamtitta*). മി. ആശാൻ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഉപക്ഷേപം ലാക്കാളേജിലും ഹോസ്റ്റലിലും ഉള്ള പ്രവേശനത്തെ സംബന്ധിച്ചാണ്. ഞാൻ ചിലഭാഗങ്ങളിൽ മി. ആശാനുമായി യോജിക്കുന്നില്ല. മദ്രാസിലെ ഇഞ്ചിനീയറിംഗ്കാളേജിലും മറും അവിടെയുള്ളവക്കു പ്രവേശനം കൊടുക്കുന്നതുപോലെ നമ്മുടെ നാട്ടുകാക്കു പ്രവേശനം കിട്ടുന്നില്ല. അന്യദേശീയക്കു നമ്മുടെ ചില കാളേജുകളിൽ പ്രവേശനം കൊടുക്കുന്നതു നമ്മുടെ വിദ്യാത്ഥികൾക്കു മുഴുവൻ പ്രവേശനം കൊടുത്തശേഷം വേണ്ടതാണ്. അതുപോലെ തന്നെ ലാക്കാളേജ് ഹോസ്റ്റലിലും നമ്മുടെ നാട്ടുകാരായ വിദ്യാത്ഥികൾക്കു പ്രവേശനം നൽകിയതിനു മേലേ വിദേശികൾക്കു നൽകാവു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, Mr. Asan has brought this motion to draw attention to the non-admission of certain students in the Law College. In regard to that, I am in the happy position of being able to say that I am in full agreement with the general principles enunciated by Mr. Asan, He said that foreigners should not be excluded because they are foreigners and that the Travancoreans should be given preference if claims are equal and that it is not necessary that an applicant for admission, even though he be a Travancorean, should be admitted if he goes for admission after the prescribed time and when seats have already been taken up. I accept these principles and I shall examine how the position stands. The Law College opened on the 2nd of July and the admissions were closed by the 10th of July. By that time about 200 students were admitted into the F. L. Class. It is after that that these Travancoreans who are said to have been denied admission appeared for admission.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know when admission was closed last year?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got that information.

DEPUTY PRESIDENT: We are referring to the admissions of this year.

MR. KAYALAM PARAMESVARAN PILLAI. (*Additional Head Sirkar Vakil*): There is not much importance about it. The fact is that 200 students have been admitted already when these Travancoreans appeared for admission. If Mr. Asan's principle is accepted, Travancoreans who come after the time need not be admitted, if, of course, there are no seats; and there can be nothing in it deserving of censure. Let me go further and say that these foreigners had already got admission and had paid the full fee. Is it possible for the principal or the Government to turn them out and vacate seats to admit Travancoreans?

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I suggested only that Travancoreans need not be admitted after the time in case there is no accommodation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, of course. I am saying that on that principle these Travancoreans could not be admitted. Mr. Asan would not contend that these foreigners should be turned out and Travancoreans admitted. If 200 students had already been admitted and they had paid their full fees, what can the Principal do? I have already said that by the 10th of July about 200 students had been admitted. It was impossible for the Principal to do anything thereafter. While I accept the principle of Mr. Damodaran Asan there is nothing that we can find wrong in the action of the Principal in this instance.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What about the proposal of shifting the classes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr Krishna Pillai particularly referred to the fact that if larger rooms are available the class may be shifted. I forgot to say that I accept that principle also. The Principal was asked to consider that matter. He said that the B. L. Class was also equally full. Mr. Krishna Pillai said that there are only 150 students in the B. L. Class. The Principal has reported that there are one hundred and ninety eight students in the B. L. Class and 202 in the F. L. Class.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): Less than 22.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaikl*): Yes; He also says that the two lecture halls are of the same dimensions. If that is so, I can't see how a betterment can be secured by the interchange of classes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the B. L. Class room accommodated 228 students in 1926-1927?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot speak on that. Here, the Principal says that the two rooms are of the same dimensions and that there is no scope for remedy by an inter-change of classes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Can he rely on the figures given in the Law College Calendar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not looked into that. If special attention had been drawn to the fact I would have been able to study that figure and get the explanation of the Principal with reference to that.

DEPUTY PRESIDENT: At present they are more humane to the students seeking admission.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapall*): The rooms cannot contract.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; What could be the object of the Principal in denying admission to the Travancoreans ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : That is my difficulty also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; The real fact is that there was no accommodation. The Principal says in his letter that "if Travancore students had applied in time they would certainly have secured admission."

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) ; That would have been no concession.

MR. REVATINAL RAMA VARMA RAJA (*Edavagai*): ലാക്കാളേജിൽ ൨൦൦ പേർക്കേ പ്രവേശനമുള്ളൂ എന്നു എവിടെയെങ്കിലും പ്രസിദ്ധം ചെയ്തിട്ടുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I don't think that it has been published like that. If the students come in time they may be admitted. But when accommodation is exhausted what can the Principal do ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) ; Did the Government write to the Principal asking him why 228 students could not be admitted in the present B. L. Class which accommodated 228 students in 1926-27.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; If the question is that the Principal's attention should be drawn to that matter it may be done. But he has not been already asked with specific reference to that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Was any reference made about it in the memorial ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. I may also point out that Mr. Krishna Pillai who represented the memorialists did not point out at the time that this hall accommodated 228 in the previous year. If that had been done, the Principal's attention would certainly have been specifically drawn to it and his explanation taken with regard to that. That is how the matter stands. Mr. Damodaran Asan suggested that the real difficulty was that the Professors were clamouring for more pay and therefore they were unwilling to admit more students. I submit that this is not a fact. No doubt, there is some remote truth in this statement. It occurs in this way. The Principal suggested that the only alternative would be to divide the class into two divisions and ask the professors to lecture over again to the other division. If that is done, the professors will naturally claim additional remuneration. They never claimed they wanted more remuneration to teach 228 students in *one* class.

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MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): If the Principal knew that by shifting the class rooms he can admit some more students, was he not at fault in refusing admission to students?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a hypothetical question. In this case, the point was considered and it was found that the students could not be admitted even by an interchange of rooms. Sir, it is very hard that Travancoreans are refused admission. But we have to face facts. Sometimes hardship may happen in all human institutions. All that we can do is to extend our sympathy. But I think that it is not a matter which is deserving of censure.

DEPUTY PRESIDENT: If the institutions will pay, Mr. Paramesvaran Pillai, why not divide the classes. From the financial point of view the Government are not going to lose.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, that would be a very large question.

DEPUTY PRESIDENT: It requires probably an investigation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It does require investigation; but for one thing in the case of these instructional institutions, we should not merely look upon it as a purely commercial concern. No doubt, if Travancore students are not served properly, it is the duty of the Government to provide the necessary accommodation. In this case, the real fact is that the students were late in coming. Had they appeared in time they would certainly have got admission.

MR. REVATINAL RAMAVARMA RAJA (*Edavagai*): എനിക്കിതിൽ വലിയ സംശയമുണ്ട്. വിദ്യാർത്ഥികളുടെതെറ്റാണൊ അതല്ല കാളേജ് അധികൃതന്മാരുടെ തെറ്റാണോ ഇത്? ഇതു പേക്ഷപ്രവേശനമുള്ള എണ്ണമുമ്പാൽക്കൂട്ടി അറിയിക്കേണ്ടതല്ലെ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That does not save the situation. If the member's point is only that a notice should be published in the Gazette, that only so many people could be admitted, that could be done hereafter, but how can it help students in distant places like Alwaye or Muvattupuzha?

MR. REVATINAL RAMAVARMA RAJA (*Edavagai*): ഇതറിഞ്ഞിരുന്നാൽ ദൂരം നാട്ടിലുള്ള ആളുകൾക്കു ഉപദ്രവം വരികയില്ലായിരുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, then, they will have to come in time

MR. REVATINAL RAMAVARMA RAJA (*Edavagai*): ൨൦൦ പേക്ക് സ്ഥലമുള്ളു എന്നറിഞ്ഞിരുന്നാലല്ലെ അവക്കു മുൻപിൽക്കൂട്ടിഅപേക്ഷിക്കാൻസാധിക്കയൊള്ളു.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Even if there is a notification in time how can a man in Tiruvalla know how many have been actually admitted before he comes to Trivandrum, or on what date all the prescribed number had already been admitted ?

MR. REVATINAL RAMA VARMA RAJA (*Edavagai*) : ഗസറിൽ പ്രസിദ്ധപ്പെടുത്തിയാൽ പോരാ. ന്യൂസുപേപ്പർകളിലും പ്രസിദ്ധം ചെയ്യണം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : How can they know how many have been admitted here ?

MR. REVATINAL RAMA VARMA RAJA (*Edavagai*) : കൊല്ലത്തിനുമുമ്പേ അപേക്ഷകർ അയക്കാമല്ലോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That accommodation is limited, every body knows. So they must come in time.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Is there any public notification that admission would be closed before a particular date ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. I do not think.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know when admission was closed last year ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not know. I have got the date only in regard to this year.

Then with reference to the points raised by Mr. Thanu Pillai and Mr. Nilakanta Pillai that would need a thorough reform of the institution which, even if effected, will not meet the present complaint which is the object of Mr. Asan's motion.

MR. MATTHEW MURIKKAN (*Vaikam*) : Does the Law Member suggest the object of the motion ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am pointing out that really two issues are raised so that it becomes impossible to say which is the issue that the House is going to vote upon. Therefore I am differentiating the points of the debate and saying that the issues are different.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If the Law College is made a full time college does the member think that so many students from outside will come ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I don't see why they should not come. The difficulty and inconvenience will be only for Travancoreans if at all.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Will not the result be that they will not be able to take up any other work?

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is why I point out that the reforms suggested by Mr. Thanu Pillai has no bearing on the point raised by Mr. Asan, not that I am objecting to those points.

MR. A. THANU PILLAI (*Trivandrum*) : Do not Madras students come to our College from Madras because of the fact that in Madras the College has been made a full time institution?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Possibly it may be so. I have no objection to take the assurance of the member, if that is his assurance.

In regard to the points raised by Mr. Thanu Pillai and Mr. Nilakanta Pillai, not having had specific notice of the same, I have not got the files on the matter. Mr. Nilakanta Pillai is not quite correct in saying that in Madras, lectures are delivered only by junior lawyers. One set comes from the top of the profession and another from the junior bar. This matter was considered by the High Court and the Government very recently, I think, and it was found that the present system was the best suited for Travancore. If the House is of opinion that it should again be considered, there is no objection. Nothing has been urged to show how the system in the Madras College is superior to the system prevalent here.

DEPUTY PRESIDENT: The proceedings of this discussion will be communicated to the Law College, I believe.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, if the House wants, it will be communicated to the High Court and they will again consider the matter.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : May I know whether it will be considered in the future? That is the difficulty.

DEPUTY PRESIDENT : There is the University with whom you have to reckon?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : There is no College Council and the College may be governed by the Principal's whims. If the Principal improperly refuses admission to any student, will Government take into consideration that fact?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not able to say anything about the College Council. If the Principal *improperly* refuses admission, he will certainly be called to order.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it the Law Member's opinion that that could be ascertained without enquiring into it?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : On the representation of Mr.Krishna Pillai it was particularly enquired into. There was a memorial from the students and it was presented by an able member of this House.

DEPUTY PRESIDENT : Your time is up Mr. Parmeswaran Pillai. Do you press your motion, Mr. Damodaran Asan ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : All that I have to say is that, provided the Law Member undertakes to write immediately to the Principal or the High Court to take these matters into consideration and redress grievances, if possible, I will withdraw the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That may be done.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Then I withdraw my motion.

The motion was, by leave, withdrawn.

The following motion was not moved.

Motion 170

MR. MURUVELIL PACHU PILLAI.

170. To reduce the allotment of Rs. 2,160 for Law College by Rs. 10.

Motion 171

MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : ഞാൻ ഒരം ഉപക്ഷേപ ത്തെ സഭയുടെ സ്വീകരണത്തിന്നായി സമർപ്പിച്ചുകൊള്ളുന്നു. "ലാക്കാ ളേജിലേക്കനുവദിച്ചിട്ടുള്ള ൻ,ൻ ർ ന്നു രൂപായിൽനിന്നും ഫ ൦ ൦ രൂപാ കുറയ്ക്കണം"

ഇതാണ് ഞാൻ ഇവിടെ ഹാജരാക്കുന്ന ഉപക്ഷേപം. ധാരാളം കേസ്സുകളും നല്ല ആദായവും ഉള്ള യോഗ്യന്മാരും സമർത്ഥന്മാരുമായ ആ ളുകളാണ് ലാക്കാളേജിലെ പ്രിൻസിപ്പാളും മറ്റു പ്രൊഫസർമാരും. അവരുടെ പ്രധാനമായ ജോലി വക്കീൽപണിയാണ്. ആ വക്കീൽ പ ണിയും, ശ്രേഷ്ഠമായ നിയമാദ്ധ്യയനവും കൂടി ഒന്നിച്ചു നടത്തുന്ന പക്ഷം അതു അത്ര തൃപ്തികരമായിരിക്കയില്ല എന്നാണ് എന്റെ അഭിപ്രായം. പഠിപ്പിക്കുന്നതിനുള്ള ടൈംടേബിളം നിശ്ചയിക്കുന്നതു് അവർക്കു കോട തിയിൽ പോകുന്നതിനുള്ള സൌകര്യം അന്നന്നു നടത്തേണ്ടകേസ്സുകള ടെ ജ്ഞാനം സമ്പാദിക്ക നോട്ടു കുറിച്ചെടുക്ക ഇവയ്ക്കുള്ള സൌകര്യം മുതലായവ എല്ലാം നോക്കീട്ടാണ്. എന്തായാലും അവരുടെ വിശ്രമ വേളയിലുള്ള ഒരു നേരംപോക്കു തൊഴിലായിട്ടാണു ഇവർ വിചാരിക്കുന്ന തെന്നു തോന്നിപോകുന്നുണ്ട്. ഉദ്യോഗസ്ഥന്മാരും അനുദ്യോഗസ്ഥന്മാരു മല്ലാത്ത ഒരം ഉദ്യോഗസ്ഥന്മാർ അവരുടെ പ്രവൃത്തി ശ്രദ്ധാപൂർവ്വം ചെയ്യാ

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[Mr. V. S. Krishna Pillai.]

ത്തതിൽ അവരെ കുറ്റം പറയാനില്ല. കാലത്തു എഴുമണിക്കു ലാക്കാളേജിൽ വന്നാൽപിന്നത്തെ വിചാരം കോടതിയെക്കുറിച്ചാണ്. എഴുമണിക്കു കോടതിയിൽ പോകാനുള്ളതുകൊണ്ടു അവിടെ വാദിക്കേണ്ട വാദമുഖങ്ങളും ആലോചിച്ചുകൊണ്ടിരിക്കുന്നൊരാളിനു നിയമവിദ്യാത്ഥിക്കു് എങ്ങിനെശ്രദ്ധാപൂർവ്വമായ ഉപദേശം കൊടുക്കാൻ സാധിക്കും. ഇതു സപ്പോം ആലോചിച്ചാൽ മനസ്സിലാകുമെന്നുള്ളതിനാൽ ഇതിനെപ്പറ്റി ഞാൻ അധികമൊന്നും പറയുന്നില്ല. ലാക്കാളേജ് പ്രഫസർമാരെ ഉദ്യോഗസ്ഥന്മാരാണെന്നു വിചാരിക്കുന്നപക്ഷം സിവിൽസർവ്വീസുകാരിലുള്ള കുട്ടികളെല്ലാം അനുസരിപ്പിച്ചു പെൻഷനുള്ള അവകാശവും നൽകണം. അതിനു അപ്രാപ്തന്മാരായിട്ടുള്ളവരെ പിരിച്ചു വിടണം.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): An identical motion has already been moved.

DEPUTY PRESIDENT: I cannot disallow it. I would only suggest that the member need not travel over the same grounds over again.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): ഇവരെ ഉദ്യോഗസ്ഥന്മാരായിട്ടോ അനുദ്യോഗസ്ഥന്മാരായിട്ടോ ചേർക്കാൻ സാധിക്കാത്ത ഒരു നിലയിലാണ് വച്ചിരിക്കുന്നതു്. അതുകൊണ്ടാണ് അവരെപറ്റിയുള്ള പരാമർശം കാരണമായതു്. ഇതുയും പ്രസ്താവിച്ചുകൊണ്ടു ഞാൻ ഈ ഉപക്ഷേപത്തെ സഭയുടെ പുനർവിചാരണയ്ക്കായി അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Are they not at present considered as officers?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): No; they are not included in the Civil Service Regulation.

DEPUTY PRESIDENT: What is the relevancy of that question? Your time is up.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, Mr. Krishna Pillai's motion urges that this House should pass a censure on the teaching staff of the Law College having regard to their inefficiency or incapacity. I think I may refer at the outset to the fact that Mr. Nilakanta Pillai referred to, that the results of our Law College are good and perhaps even superior to the results of the sister institution in Madras.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): May I know from the Law Member whether the percentage of passes in the Madras Law College is higher or less than the percentage here?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have not got the figures with me now. I only referred to the statement of Mr. Nilakanta Pillai.

DEPUTY PRESIDENT : I do not think Mr. Nilakanta Pillai said so. He said that it was just the other way.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I said that the results were poor here.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Oh ! I am sorry I misunderstood him.

Sir, the Professors of our Law College, as many on the other side said, occupy the top of the profession in the Bar. It cannot therefore be urged against them that they are inefficient. I do not think this House will consider that they are unconscientious men who would not do their work properly. I do not think that it is fair on the part of this House to say so. It is one thing to say that the institution should be reformed and put on a different basis; it is quite another thing to say that this honourable set of gentlemen, the Professors of the Law College, are inefficient or that they do not want to and will not do their work properly.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : റിസൽട്ടിനെ ബേസ് ചെയ്യുന്നു പറയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have not got statistics in regard to the question. As I have already stated, I was only relying on what I thought to be Mr. Nilakanta Pillai's statement.

Apart from that, I submit, Sir, there must be some substantial foundation for this House to proceed upon before they condemn a set of honourable men who, admittedly, occupy the top of their profession, and I am really surprised that a charge of inefficiency has been levelled against them by members of this House, some of whom at least have passed, I believe, through their hands in the Law College. I do not think this House would be justified in levelling such a serious charge of inefficiency or incapacity against the Professors of the Law College.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know how the efficiency of teaching staff could be judged apart from the results ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a very different question. This is an institution which imparts technical instruction. It is of course different from Arts Colleges. I think that in the case of the Law College we may take into account also the opinion of people who are competent to judge and see for themselves whether the students who have undergone training in the Law College have acquired the learning and capacity required for the profession for which they are intended.

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MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : ഇവിടത്തെ റിസൽട്ടിന്റെ പേർസെന്റേജ് ൨൦-നും ൩൦-നും മദ്ധ്യേയാണെന്നും മദ്രാസിലെ പേർസെന്റേജ് ൫൯-നും ൬൦-നും മദ്ധ്യേയാണെന്നും അറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not know. I may say that it is Mr. Krishna Pillai that should compare the efficiency of our Law College Professors with those of the Madras Law College and substantiate the position that the latter are more efficient. Mr. Krishna Pillai lays the charge of inefficiency and incapacity. May I know whether he will prove to this House that the better results of the Madras Law College are due to the superior efficiency of the Professors there? That is the point.

DEPUTY PRESIDENT : Do you press the motion, Mr. Krishna Pillai?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : ഈ ഭാഗങ്ങളെല്ലാം കഴിയുന്നിടത്തോളം ആലോചിച്ച് ഇപ്പോഴുള്ള ന്യൂനതകളെ പരിഹരിക്കാമെന്നും, ഇനിയുള്ള അതൃപ്തികരമായ നടപടികളെല്ലാം നിർത്താമെന്നും ലാ മെംബർ അഭിപ്രായപ്പെട്ടതുകൊണ്ട്—

DEPUTY PRESIDENT : No, no; you are not correctly putting it. The Law Member only said that the defects pointed out by you would be properly investigated. He did not accept that they really existed. He only said that the whole question would be carefully considered.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : ശരിയായി അന്വേഷണം നടത്തി ഈ പറഞ്ഞിരിക്കുന്നതായ ന്യൂനതയേയും അതിൽ കൂടുതലായി ഉണ്ടായിരുന്നാൽ അതിനേയും പരിഹരിച്ച് തൃപ്തികരമായ സ്കീം തയ്യാറാക്കുന്നതിനു നിശ്ചയിക്കുന്ന പക്ഷം ഞാൻ ഈ ഉപക്ഷേപം പിൻവലിക്കാം.

DEPUTY PRESIDENT : Do you press the motion for a Division? That is all that I want to know.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*) : ഇതിനെ ശരിയായി അന്വേഷിച്ച് ദോഷങ്ങളെ പരിഹരിക്കുമെന്നുള്ള വിശ്വാസത്താൽ ഉപക്ഷേപത്തെ പിൻവലിച്ചിരിക്കുന്നു

The motion was, by leave, withdrawn.

Motions 172 and 173.

The following motions were not made:

MR. A. S. DAMODARAN ASAN :

To reduce the allotment of Rs. 3,957 for establishment Rs. 100.

MR. N. R. KRISHNAN :

To reduce the allotment of Rs. 34,300 for Law Officers by Re. 1.

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Motion 174.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, I beg to make the following motion :

To reduce the allotment of Rs. 34,300 for Law Officers by Rs. 10.

In making this motion I propose to draw the attention of Government to the hardship to which private parties are put because of the want of proper attention on the part of the officers of Government to matters that result in litigation between the Government and private parties. The number of original suits to which Government was a party for the years 1101 and 1102 were respectively 115 and 135. I am referring to suits that were filed in these years. And the number of appeals was respectively 29 and 32. That shows that, on an average, about 150 suits and appeals are filed, every year, to which the Sirkar is a party.

DEPUTY PRESIDENT : Are these suits *against* the Sirkar or filed *by* the Sirkar ?

MR. A. THANU PILLAI (*Trivandrum*) : It so happens that in most of the original suits the Sirkar is the defendant, whereas in regard to appeals, in some the Sirkar is the appellant and in others the respondent. A scrutiny of these figures will show that the number of original suits and appeals in which the Sirkar is a party ranges from 150 and 200 for a year. The results for the last two years are these. Forty Seven original suits were decided in favour of Government while 62 were decided against them. Fifty three appeals were decided for Government and 66 against. The matter requires close scrutiny. We should, at the outset, make a clear distinction between a private party who enters into litigation and the Government that enters into litigation. So far as the private party is concerned he may not be in full possession of all the facts before he launches his suit. He may not be able to instruct his Vakil fully and place all the facts before him ; so, proper legal advice may not be available to him before he files the suit. But the Government cannot say this. In almost all the suits to which Government is a party the necessary evidence would be with them. If the suit relates to land, all the records would be in their possession. If it relates to a contract, the agreement will be with them. All the rules, statutes and other documents relating to the matter will be with them. So, the Sirkar starts with every information and also with every kind of available evidence relevant to the matter. In addition to all these they have got very good expert advice. They have got their Law Officers who are experts in the profession. Under these circumstances what can be the reason for this state of affairs, *viz.*, Government losing such a large percentage of cases to which they are parties ? I would attribute it only to the indifference of the officers concerned to the welfare of the parties who enter into transactions with Government. That is the point to which I should draw the attention of the House. I do not blame the law officers merely. It may be that in many cases the Law Officers are not to blame so much as other officers in respect of whose departments these litigations arise. Government are in an advantageous position in another respect also. They get three months' notice of every suit. So, they have got ample time to place all the facts

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[Mr. A. Thanu Pillai.]

before their Law Officers for their opinion. In spite of all these advantages, if the Sirkar fails in the majority of cases, it can only be due to the indifference of the officers concerned. That alone can account for the large percentage of cases which the Government lose every year. I am not unaware of the fact that in every case one cannot forecast what the result of a litigation is going to be eventually. But, Sir, if all the facts are placed before competent lawyers and their opinion taken beforehand, I am sure Government would not lose such a large percentage of cases.

DEPUTY PRESIDENT: The Judge may choose to differ from the Vakil.

MR. A. THANU PILLAI (*Trivandrum*): That may be. But it cannot be that they differ in such a large percentage of cases.

DEPUTY PRESIDENT: So, you would like to have the work of the Law Officers of Government judged by the percentage of cases in which the Government succeed?

MR. A. THANU PILLAI (*Trivandrum*): That is not what I say.

DEPUTY PRESIDENT: I put the question just to understand your point.

MR. A. THANU PILLAI (*Trivandrum*): My point is that it may not be so much the fault of the Law Officers, as that of the other officers to whose departments the litigations relate. As I already stated, notice of suit is received by the Dewan atleast three months before the date of suit so that all the papers relating to the matter could be obtained and all evidence collected and placed before the Law Officers for their proper advice. If this is done and if the Law Officers opine that the Government have no case, at once such cases should be compromised and the claims settled. Government should not allow the parties in such cases to go to the court and undergo all manner of hardships. I do not charge the Law Officers with inefficiency. My only point is that there is inefficiency displayed in this matter so far as the Government is concerned; that must be shared by the Law Officers and by the other officers; or the blame may be entirely thrown on the other officers. I only say that the condition of things is not at all satisfactory. We can certainly make an allowance for a low percentage of failure in litigation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know what is the remedy that the member suggests?

MR. A. THANU PILLAI (*Trivandrum*): When a notice of suit is received, Government should direct the officers concerned to collect all the available evidence and place it before the Law Officers and get proper advice from them. If the claim is found to be sustainable, that must be settled immediately and the party should not be compelled to go to court. That is my suggestion.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): In seconding the motion brought forward by Mr. Thanu Pillai, I would like to

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modify his suggestion in this way. It would be a heavy responsibility to leave the work of compromise solely to the Law Officers. I suggest that some restriction should be placed in the matter. Immediately after notice is served on Government, the Law Officers should demand that the officers of the particular department to which the suit relates should produce all the documents necessary for proving the case of the Sirkar.

DEPUTY PRESIDENT: I suppose, though the Government call for all these informations as soon as notice of suit is received, Government machinery moves rather slow.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): Within three months the case can be compromised. If not, the Sirkar will lose.

DEPUTY PRESIDENT: The Sirkar does not lose. They gain Court fees.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): The responsibility lies with the Law Officers. I only say that they should be controlled properly in regard to cases that have to be compromised. With this suggestion, I second the proposition.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe that Mr. Thanu Pillai concedes that nothing can be judged of the method of conducting cases from the percentage of failures in litigations.

MR. A. THANU PILLAI (*Trivandrum*): I wish to say a word of personal explanation. I did not say that the cases were not properly conducted. My point was that the other officers of Government are to blame, if not the Law Officers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, that is what I pointed out. Mr. Thanu Pillai said that it is not the fault of conducting cases but that the real reason is that all the available evidence is not placed before the Law Officers. This is a serious charge and I can hardly believe it to be true. Having regard to the fact that I am not in possession of the facts in regard to each individual case, the House cannot expect me to offer any remarks definitely relating to each case. I can only say that the fact that a charge has been made in this House will be noted and the attention of the Heads of Departments and the Head Sirkar Vakil would be drawn to it.

MR. A. THANU PILLAI (*Trivandrum*): In the light of what Mr. Paramesvaran Pillai said I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Motions 175 and 176.

The following motions were not moved:

MR. N. R. KRISHNAN:

175. To reduce the total allotment of Rs. 7,60,970 under Demand IX by Re. 1.

MR. A. G. MENON:

176. To reduce the total allotment of Rs. 7,60,970 under Demand IX by Re. 1.

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Motion 177.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanachery* cum *Peermade*): Sir, I beg to move the following motion: —

To reduce the total allotment of Rs. 7,60,970 under Demand IX by Re. 1.

കോടതികളിൽ കേസുകളുടെ തീരുമാനത്തിൽ വരുന്ന താമസത്തെ കുറയ്ക്കുന്നതിനു ഗവൺമെൻറു എന്തെങ്കിലും പ്രവർത്തിക്കണമെന്നു പറയുന്നതിനാണ് ഞാൻ ഈ ഉപക്ഷേപം കൊണ്ടുവന്നിട്ടുള്ളതു്. ലാസ്ഡിലെസ് കമ്മിറ്റി രൂപീകരിക്കാൻ ഗവൺമെൻറു തീച്ചപ്പെടുത്തീട്ടുള്ളതായി കഴിഞ്ഞ സഭയിൽ മറുപടിപറഞ്ഞു. എന്നാൽ ഏതു കാരണവശാലോ കഴിഞ്ഞ നിയമസഭ അതിലേക്കു ചേർത്തിരുന്ന തുക വെട്ടിക്കുറയ്ക്കുകയാണു് ചെയ്തതു്. ജനങ്ങൾക്കു ഇതിൽ വളരെ സങ്കടമുണ്ടെന്നു ഗവൺമെൻറിനു ബോദ്ധ്യമുള്ളതിനാൽ ഞാൻ ഇതിനെ പ്രത്യേകം എടുത്തു പറയണമെന്നു വിചാരിക്കുന്നില്ല. ഇത്രയും പറഞ്ഞുകൊണ്ടു ഞാൻ ഒരു ഉപക്ഷേപത്തെ സഭാമുമ്പാകെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. A. G. MENON (*Parur*): Sir, I support the motion with the additional suggestion that if such a Committee is appointed it should take into consideration the question of reducing the present cost of litigation.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I also support the motion. I beg to submit that the public are put to great inconvenience on account of Law's delays. But the last Council, when it considered the question of appointing a Committee, declined to give its sanction for it. All that I would say is that the Council thought that a Committee was unwieldy and expensive. I would therefore suggest that some other arrangement, other than a Committee be made and Law's Delays enquired into and remedial measures suggested.

MR. A. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Which is that other agency?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Not a Committee but some other arrangement may be made, as a Committee will be unwieldy and expensive. It is also seen from the Civil List and the Budget that while there are two permanent District and Sessions Courts, there are seven temporary Courts and it is a ridiculous matter to see that these courts are being continued year after year as temporary. I submit this method of continuing courts as temporary is moving in a vicious circle, and this means that we want the law to be delayed because the Judges may think that if the cases are disposed of, they may not have jobs.

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MR. MATTHEW MURIKKAN (*Vaikam*) : Do you mean to say that there is Laws' delay simply because the Courts are temporary ?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): All that I wish to submit is that if the Government think that there is any necessity for making some of these courts permanent let them do so without delay and abolish the others. In conclusion, I would suggest that some other arrangement should be made to enquire into this matter which is inconveniencing the public to a very great extent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to the question of Law's delays nobody denies their existence and none is more conscious of that fact and the fact that it works hardship, than the Government, and it is known to all that the Government brought certain proposals before this House in that matter sometime ago and that this House disapproved of them. If it is the general desire of this House that the question should be taken up by Government again, they are willing to take it up for consideration. But I do not hold out any definite proposal. I can, however, assure the House that the matter will be seriously considered by Government and that they will devise some agency to go into the law's delays, provided, of course, it is the general sense of the House.

MR. A. THANU PILLAI (*Trivandrum*) : Are we to take it that the Government cannot think of any other means ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not commit myself to any definite arrangement. I only say that if it is the general sense of the House that the matter should be taken up again for consideration, the Government would do so.

MR. MATTHEW MURIKKAN (*Vaikam*) : Has the Law Member bestowed any attention on the matter ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government did think over the matter and made certain proposals which were not approved of by the Council.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Who did not approve of it ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : This Council did not approve of it.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, there can be absolutely no doubt that something should be done to put an end to this condition of things. The question is whether a Committee would solve the difficulty. Talking of Committees, I have to observe, we have had several Committees which submitted their reports and several of those reports have been pending orders for a considerable time. So when we are thinking of a Committee to enquire into the causes that create the delay in litigation and to suggest the remedial measures, the appointment of a Committee of enquiry and then the pendency of the report for orders, all these together, would take up a considerable length of time.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : May I know whether, instead of appointing a Committee, we may engage any other agency, say, a Judge of the High Court, so that he may consider the reports of other similar Committees appointed elsewhere and formulate some plan ?

MR. A. THANU PILLAI (*Trivandrum*) : We have got other reports also and they may be looked into.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*) : Who is to look into those reports ?

MR. A. THANU PILLAI (*Trivandrum*) : We have the High Court, the head of the Judiciary, which consists of Judges who have served in the subordinate courts as Munsiffs and Judges, who have been appointed direct from the Bar and gained experience in the Administration of Justice. The reports may be looked into by the High Court and it will be possible for them to suggest remedial measures so that the law's delays may be diminished.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) . Have not the High Court reported that they have no time to look into the matter ?

MR. A. THANU PILLAI (*Trivandrum*) : If the High Court have stated that there is no time—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, they have stated so and that information was conveyed, I think, to this House at the debate on this subject on the last occasion.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Are we to understand that the member is against the appointment of a Committee ?

MR. A. THANU PILLAI (*Trivandrum*) : I do not say that I am against the appointment of a Committee if it is the *only* means of putting an end to this state of affairs.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Will the member state if he thinks that a Committee is necessary, what sort of a Committee it should be ?

DEPUTY PRESIDENT : If you have any alternative scheme why not work out and bring it before the House in the form of a Resolution when we can discuss it. At present what Mr. Paramesvaran Pillai says is, if the House is prepared to express its assent, the Government will revive the question of the Law's Delays Committee and what Mr. Piraviperumal Pillai suggests is that there should not be a Committee but some other machinery devised. You suggest that the High Court should do it. There is an answer that they could not find time for this work. So ; if you have any alternative scheme to bring forward that will be cheap and at the same time effective in the form of a resolution, it could be discussed.

MR. A. THANU PILLAI (*Trivandrum*) : My suggestion is that one of the Judges of the High Court might be deputed for this work.

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MR. A. G. MENON (*Parur*): May I tell the member that in spite of the fact that there are six Judges in the High Court there are 2,000 cases in arrears in the High Court ?

MR. A. THANU PILLAI (*Trivandrum*): I know. I would also agree with Mr. Raja Raja Varma that urgent steps should be taken for removing the grievances of the litigant public.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, nobody has spoken against the motion and the House is apparently unanimous. I rise only to say one word. Mr. Thanu Pillai suggested that it may be considered whether it is not enough if one Judge of the High Court is deputed. I can tell him that that also will receive consideration by Government.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Changanacherry* cum *Peermade*) : ഞാനെന്നുടെ മറുപടികേട്ടുകഴിഞ്ഞിട്ടു ഉപക്ഷേപം പിൻവലിക്കണം.

The motion was, by leave, withdrawn.

DEPUTY PRESIDENT: I may tell the House that the time allotted for this Demand expires at 4-15 P. M.

Motions 178 to 181.

The following motions were not moved :

MR. S. PIRAVIPERUMAL PILLAI:

178. To reduce the total allotment of Rs. 7,60,970 under Demand IX by Rs. 5.

MR. K. P. NILAKANTA PILLAI:

179 To reduce the total allotment of Rs. 7,60,970 under Demand IX by Rs. 100.

MR. A. S DAMODARAN ASAN:

180. To reduce the total allotment of Rs. 7,60,970 under Demand IX by Rs. 100.

MR. R. RAMAN PILLAI:

181. To reduce the total allotment of Rs. 7,60,970 under Demand IX by Rs. 100.

Motion 182.

MR. T. C. KESAVA PILLAI: (*Kalkulam* cum *Vilavankod*): Sir, I beg to move the following motion :

182. To reduce the total allotment of Rs. 7,60,970 under Demand IX by Rs. 100.

My object in moving the motion is to suggest the removal of one of the Munsiffs' Courts from Tuckalai to Eraniel after transferring the jurisdiction over all the pakuthies of the Vilavankod taluk to the Kuzhithurai Munsiff's Court. From the reply received from the Law Member I beg to withdraw the motion so far as transferring the jurisdiction over all the pakuthies of the Vilavankod taluk to the Kuzhithurai Munsiff's Court is concerned. As regards the shifting of one of the Munsiff's Courts from Tuckalai to Eraniel is concerned, there have been representations in the Assembly on that matter. I also suggest that the question may be referred to the High Court as Eraniel is an important centre from an economic point of view. The

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[Mr. T. C. Kesava Pillai.]

court at Tuckalai is now located in a rented building and if it is shifted to the Taluk Cutcherry building at Eraniel which is vacant it may be more advantageous to the public. I request that these things may also be brought to the notice of the High Court when the whole question of jurisdiction is taken up by them for consideration. With these words I withdraw my motion.

DEPUTY PRESIDENT: Then you ought not to have made a speech.

Now I put the whole demand to vote.

The question is that a sum of Rs. 7,60,970 be granted under Demand IX—Administration of Justice.

The Demand was granted.

DEMAND X.—CENTRAL PRISON.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): Sir, I rise to move for a grant not exceeding Rs. 93,292 under Demand X—Central Prison.

Motions 183 and 184.

The following motions were not moved :—

MR. N. K. KRISHNA PILLAI:

183. To reduce the allotment of Rs. 15,000 for Jail Manufactures by Rs. 10.

MR. K. P. NILAKANTA PILLAI:

184. To reduce the total allotment of Rs. 93,292 under Demand X by Rs. 100.

Motion 185

The following motion was deemed not to have been moved as the member was absent :—

MR. K. MADHAVAN PILLAI:

To reduce the total allotment of Rs. 93,292 under Demand X by Rs. 1,000.

DEPUTY PRESIDENT: The question is that a sum not exceeding Rs. 93,292 be granted under Demand X—Central Prison.

The grant was made.

DEMAND XI.—POLICE.

MR. J. J. DANIELL (*Ag. District Superintendent of Police in charge*): Sir, I beg to move for a sum not exceeding Rs. 5,61,977 under Demand XI—Police.

Motion 186.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Sir, I beg to make the following motion:

To reduce the allotment of Rs. 2,000 for travelling allowance by Rs. 100.

Sir, my object in tabling this motion is just to bring to the notice of this Council the fact that the Commissioner of Police has not inspected the mofussil stations properly so much so that discipline is lacking there and the mofussil police officers are having their own way. Another object in making this motion is that I wanted to bring to the

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